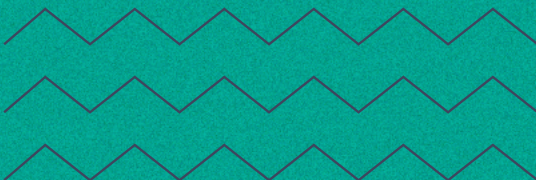


**IMPLEMENTATION OF THE STRATEGY & THE ACTION PLAN  
BY THE PROSECUTION SERVICE OF GEORGIA  
INTERIM MONITORING REPORT  
2017-2018**











ევროკავშირი  
საქართველოსთვის  
EU4Justice



The report was produced by the Institute for Development of Freedom of Information (IDFI) in partnership with the Association “DEA” and the Civil Society Institute (CSI). The initiative is financially supported by the European Union (EU).

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#EU4Georgia







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**2017-2018**

**OCTOBER, 2019**



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# INTRODUCTION

The following document was developed within the project Promoting Prosecutorial Independence through Monitoring and Engagement, being implemented by the Institute for Development of Freedom of Information, in cooperation with its partner organisations (Caucasus Research Resource Centre (CRRC) and Studio Monitor), with the support of the European Union. The purpose of the document is to review the implementation of the Strategy and 2017-2021 Action Plan of the Prosecutorial Service of Georgia (PSG). The document also assesses the Action Plan to contribute to its further enhancement.

In recent years, the prosecutorial system has undergone numerous changes in Georgia. Since 2013 several important reforms have been implemented: 2013 amendments removed prosecutorial functions from the Minister of Justice and assigned them to the Chief Prosecutor; according to the 2015 changes decisions on selection, appointment, and dismissal of the Chief Prosecutor are made by a collegial body – Prosecutorial Council; in 2016 Consultative Council, which reviews issues related to promotion and disciplinary liability of employees of the PSG, was established; in accordance with the Constitutional Amendments, after the 2018 Presidential elections, PSG was separated from the Executive Branch of the Government, the Chief Prosecutor's Office was transformed into General Prosecutor's Office and was established as an independent body. General Prosecutor is the head of the new body, while independence, transparency, and effectiveness of the institution are to be ensured by the Prosecutorial Council.<sup>1</sup>

The 2018 reform is of particular importance to Georgia, however, it also represents a significant challenge for the PSG, which has to demonstrate that it is institutionally independent, transparent and impartial body.

Increasing prosecutorial independence, including of individual prosecutors, enhancing their capacity, improving quality of prosecutorial work and increasing public trust are few among the ten goals (objectives) defined in the Strategy and Action Plan of the Prosecution Service of Georgia.<sup>2</sup> Monitoring of the strategic documents of the PSG is essential to determine whether the institution is developing in the right direction in the new environment and to assist it in defining future steps.

The following interim monitoring report evaluates the Strategy and Action Plan of the Prosecution Service of Georgia, reviews its progress and defines recommendations for improvement of achievement of goals and objectives provided in the strategic documents.

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<sup>1</sup> Organic Law of Georgia on Prosecution Service (2018), Articles 1, 6, 10, and 19: <http://bit.ly/35MuDQt>

<sup>2</sup> 2017-2021 Strategy of the Prosecution Service of Georgia: <http://bit.ly/2VXnCYU>



# METHODOLOGY

Qualitative, quantitative, and time-based methodological instruments have been used in the interim monitoring report of the PSG Strategy and Action Plan. The following document covers a two-year period (2017-2018) of the PSG strategic documents.

To determine the relevance of the PSG Strategy and Action Plan to the challenges existing in the law enforcement system, a situation analysis was conducted based on reforms planned or ongoing at the time of the development of the PSG policy documents.<sup>3</sup> The situation analysis also covers international standards, Public Defender reports, civil society assessments and public opinion survey results. The situation analysis is used for the general assessment of the PSG strategy documents as well as for evaluation of relevance and effectiveness of measures/activities to the goals and objectives defined in these documents. Based on the situation analysis main challenges, overcoming of which are critical and essential for the improvement of PSG activities, are identified.

A general assessment of the PSG Strategy and Action Plan as well as comparative analysis of other relevant plans are presented in a narrative form and their progress is not visualized.

Monitoring of implementation of goals and activities set forth in the PSG Action Plan was conducted by the Institute for Development of Freedom of Information in cooperation with regional organizations: “Civil Society Institute” in Adjara and “Association Dea” in Samegrelo-Zemo Svaneti. The primary source of information for this monitoring is the Prosecution Service of Georgia, from whom the organizations conducting the monitoring process requested public information based on predefined indicators. Additionally, information was retrieved from reports of international and local organizations, Public Defender, etc.

The PSG Strategy and Action Plan do not define outcome and impact indicators to be used for implementation progress assessment. Therefore, the methodology is based on the indicators that have been developed specifically for this report in cooperation and consultation with representatives of the PSG. Qualitative and quantitative indicators are used for evaluation of objectives and activities defined in the Action Plan.<sup>4</sup>


The achievement level for each objective and activity has been evaluated based on predefined indicators and each of them was assigned one of the four following statuses:

 **Fully implemented – an objective/activity was fully or almost fully fulfilled, on a 100-point scale this would correspond to 91-100 points.**  
.....


<sup>3</sup> Along with PSG Strategy and Action Plan, terms “PSG policy documents” and “PSG strategic documents” are used with the same meaning

<sup>4</sup> According to the guideline, approved by the Ordinance N629 of the Government of Georgia, of December 30, 2016, a quantitative indicator describes expected outcome in a quantitative category (e.g. 100 new small businesses were established), while qualitative indicator evaluates quality of the outcome (e.g. safety on the roads improved by X, by X%): <http://bit.ly/2MTdJXY>




- 

Mostly implemented – a major part of an objective/activity was implemented while part of it has not been completed. On a 100-point such assessment would translate into 51-90 points.

.....
- 

Partly implemented – only a small part of an objective/activity was fulfilled while a major part remains incomplete. On a 100-point scale this would correspond to 1-50 points.

.....
- 

Unimplemented –an objective/activity was not implemented at all. This would correspond to 0 points on a 100-point scale.

.....

Each indicator of an objective and activity has been assigned an appropriate point (score), based on which the progress of completion of each specific objective and activity are calculated.

## KEY FINDINGS

Analysis of international recommendations and reports, Public Defender reports and public opinion demonstrates that the PSG Strategy and Action Plan take into account all important challenges that the PSG was facing at the time of the development of these documents. However, measures/activities planned to overcome the challenges are often insufficient and unambitious. Furthermore, important reforms (separation of authorities of the Ministry of Internal Affairs and the PSG, detachment of the PSG from the Executive Branch of the government) that were initiated and implemented later are not reflected in the policy documents.

Lack of measures/activities related to some directions of the PSG Action Plan (as well as lack of updating the Action Plan in response to new challenges) and overloading of the Plan with less important activities are obstacles to the achievement of the goals and objectives of the Strategy and therefore is a significant flaw of the Action Plan.

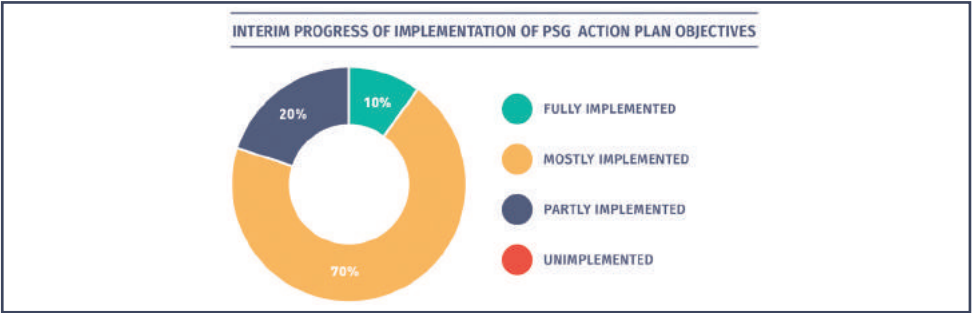
Interchangeable misuse of terms like objective and goal, unspecific and unmeasurable objectives, addition of a column of measures for achievement of goals, under which goals, objectives and activities are mixed up are confusing and present a serious shortcoming of the PSG Action Plan.

Lack of indicators, baseline, mid-term and final targets in the PSG Action Plan is another shortcoming of this policy document and represents a challenge for the monitoring process.

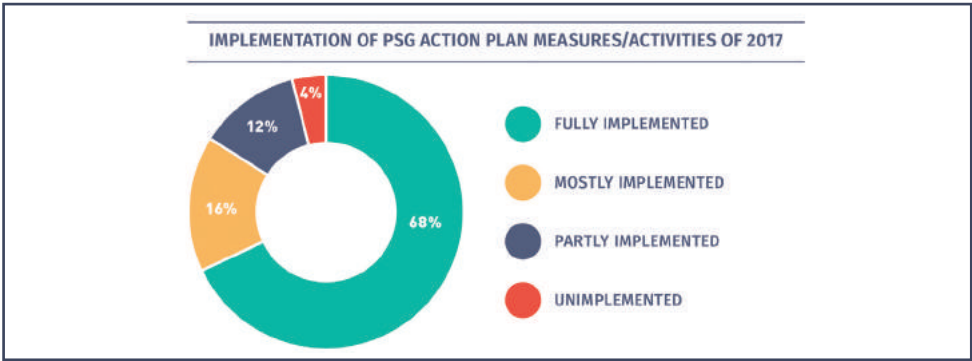
There is a significant disparity between the various sectoral action plans and the Action Plan of the PSG, which is problematic. The PSG action plan does not include all commitments that the institution has undertaken in various formats. The disparity in deadlines for activity completion in various plans could create significant obstacles to the monitoring process, making it confusing and less effective.



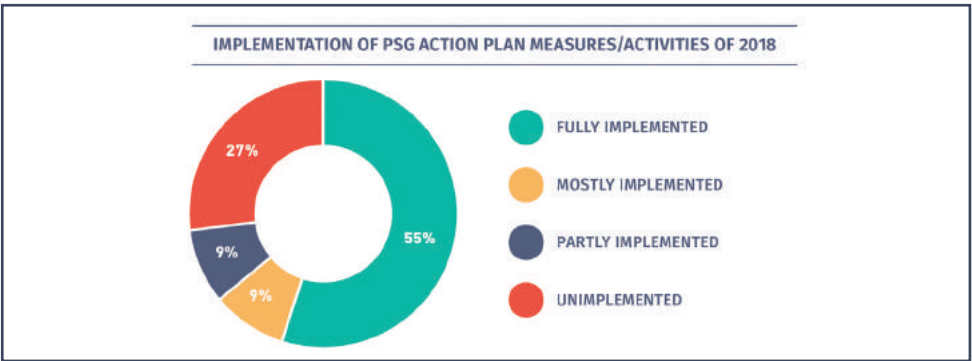
As of 2018, interim assessment of achievement of objectives of the PSG Action Plan is satisfactory taking into consideration the fact that the PSG has time until the end of 2021 to achieve the goals and objectives set by the strategic documents. From 10 objectives set by the PSG Action Plan, one has been considered as fully implemented, seven – as mostly implemented and two – partly implemented.



From 127 measures/activities set forth by the Action Plan for 2017, 87 have been fully implemented, 20 – mostly implemented, 15 – partly implemented and five unimplemented.



From 119 measures/activities set forth by the Action Plan for 2018, 65 have been fully implemented, 11 – mostly implemented, 11 – partly implemented and 32 unimplemented.





As it is shown on the charts above, implementation of the measures/activities of the PSG Action Plan worsened in 2018 in comparison with 2017. Fully implemented measures decreased by 13% in 2018 and unimplemented measures increased by 23%.

Challenges of particular importance have been identified with regard implementation of the objectives and activities of the PSG Action Plan:

Reducing authority of General Prosecutor and increasing the role of collegial bodies to ensure independence of individual prosecutors is set forth in the Action Plan, however, in practice effective steps have not been taken in this direction;

- — In order to ensure independence of individual prosecutors guaranteeing transparency, fairness and objectivity of their appointment and dismissal procedures is a must. Some progress has been observed in this direction, however, based on the monitoring essential challenges still exist;
- — In order to ensure independence of individual prosecutors guaranteeing transparency, fairness and objectivity of disciplinary proceedings within the prosecutorial service is a must. PSG still faces essential challenges in this direction;
- — In order to ensure effective prosecution, existence of regulated structured mechanism for monitoring workload of prosecutors is necessary. This has not been carried out;
- — In order to ensure effective prosecution, it is also crucial that only or primary specialized prosecutors work on complex cases (cybercrime, crimes committed during legal proceedings (by a public officer), etc.). This still remains as a challenge;
- — Effective prosecution of torture and inhuman treatment and of crimes committed during legal proceedings still remains as an essential challenge of the prosecutorial service.



## RECOMMENDATIONS

1. PSG should update its Strategy and Action Plan in response with existing challenges and ensure participation of prosecutorial services as well as of public in this process;
2. PSG should ensure introducing the PSG Strategy and Action Plan to its employees and carry out its work based on them;
3. PSG should introduce sufficient and important activities in order to implement the goals and objectives of the Action Plan;
4. PSG should improve its Action Plan by:
  - 4.1. Introducing measurable objectives and activities;
  - 4.2. Determining outcome and output indicators;
  - 4.3. Determining baseline, interim and final targets;
  - 4.4. Separating from each other objectives and goals according to the existing standards.
5. PSG should ensure compliance of its Action Plan with the sectoral action plans where the PSG has undertaken commitments;
6. PSG should improve the worsened implementation level of the 2018 activities;
7. PSG should create effective monitoring mechanism for its Action Plan;
8. To overcome the specific challenges identified in the monitoring process it is important for the PSG to ensure implementation of relevant activities and to carry out additional measures in order to achieve the objectives of the Action Plan, specifically:
  - 8.1. Increase authority of PSG collegial bodies;
  - 8.2. Ensure transparency, fairness and objectivity of appointment and dismissal procedures of prosecutors;
  - 8.3. Ensure transparency, fairness and objectivity of disciplinary proceedings within the prosecutorial service;
  - 8.4. Develop regulated structured mechanism for monitoring workload of prosecutors;
  - 8.5. Ensure that only or primary specialized prosecutors work on complex cases (cyber-crime, crimes committed during legal proceedings (by a public officer), etc.);
  - 8.6. Ensure effective prosecution of torture and inhuman treatment and of crimes committed during legal proceedings.



# 1

## GENERAL ASSESSMENT OF THE STRATEGY AND ACTION PLAN OF THE PROSECUTION SERVICE OF GEORGIA

The chapter on General Assessment of the Strategy and Action Plan of the Prosecution Service of Georgia reviews the relevance of these strategic documents to the challenges existing in the law enforcement system. For this purpose, based on the reports, studies and recommendations of international and local organizations, and of Public Defender, a situational analysis has been carried out, key problems that need to be resolved in order to overcome the existing challenges have been identified and relevance of the goals and objectives of the PSG Strategy and Action Plan evaluated.<sup>5</sup> This chapter also assesses the quality of achievement of objectives and activities set forth in the strategic documents. Objectives and activities are evaluated according to the established practice using S.M.A.R.T. (specific, measurable, attainable, realistic and timely) criteria.<sup>6</sup> This section of the document also reviews the relationship between the Action Plan of the PSG and other strategic documents of the country relevant to the PSG.

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<sup>5</sup> The PSG Action plan uses terms Goal and Objective interchangeably and incorrectly. In the alternative monitoring report, goal and objective are used in accordance with the established practice and the Ordinance N629 of the Government of Georgia – objective being a specific instance of policy goal (and not vice versa, as in the PSG Action Plan)

<sup>6</sup> The information is available at: <http://bit.ly/2MVaCi7>



## 1.1 RELEVANCE OF THE PSG STRATEGY AND ACTION PLAN TO CHALLENGES EXISTING IN THE LAW ENFORCEMENT SYSTEM

The PSG Strategy and Action Plan were adopted in 2017. Therefore, this section of the document reviews challenges to the law enforcement system that were present at the time of development of the strategy documents. At the same time, the Action Plan is a living document that should be updated appropriately in accordance with new challenges. The PSG Action Plan was adopted in 2017 and has not been updated in response with newly emerged challenges since then.

There have existed challenges within the PSG system over the years and they have been discussed numerous times in various formats on international and local levels. One of the main challenges is the independence of the prosecutorial service and its protection from political influence. Association Agreement agenda for 2014-2016 named increasing independence of the PSG and its protection from inappropriate intervention as a priority,<sup>7</sup> while according to the Venice Commission, depoliticization of the prosecutorial service should have been one of the main objectives of the reform.<sup>8</sup> In the opinion of the Anti-corruption Network of the Organization for Economic Cooperation and Development (OECD-ACN), protection of the Chief Prosecutor from political intervention was a significant challenge and the organization was recommending continuing working on ensuring the independence and impartiality of the Prosecutor's Office.<sup>9</sup> Group of States against Corruption of the Council of Europe (GRECO) negatively evaluated the influence of various branches of the government on the appointment procedure of the Chief Prosecutor and called upon the government to continue planned reform in this direction.<sup>10</sup> Civil Society has frequently brought up the issues of independence and impartiality of the Prosecutorial Service of Georgia.<sup>11</sup> **Thus, political neutrality and independence of the Prosecutorial Service of Georgia was a significant challenge of the law enforcement system in 2016.** Eminently, 40% of the interviewed population (who were aware of the 2015 prosecutorial system reform) in 2016 believed that the PSG was not free from political influence.<sup>12</sup> Civil society has been continuously raising the issues related to the public trust and increasing transparency and accountability of the PSG.<sup>13</sup> **This clearly demonstrates that along with the reforms, one of the priority directions for the PSG should have been increasing public trust, accountability, and transparency.**

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<sup>7</sup> Association Agenda between the European Union and Georgia 2017-2020, p. 3: <http://bit.ly/2JjrRjd>

<sup>8</sup> European Commission For Democracy Through Law (Venice Commission), Consultative Council Of European Prosecutors (CCPE), OSCE Office For Democratic Institutions And Human Rights (OSCE/ODIHR), Joint Opinion on the Draft Amendments to the Law on the Prosecutor's Office of Georgia (CDL-AD(2015)039), paragraph 10: <http://bit.ly/2VWSpF4>

<sup>9</sup> Anti-Corruption Reforms in Georgia - Fourth Round of Monitoring of the Istanbul Anti-Corruption Action Plan, OECD Anti-Corruption Network for Eastern Europe and Central Asia, p. 69-70, Recommendation 13

<sup>10</sup> Fourth Evaluation Report, Georgia - Corruption prevention in respect of members of parliament, judges and prosecutors, Council of Europe Group of State against Corruption (2016), paragraph 150: <http://bit.ly/2pAWKl0>

<sup>11</sup> Coalition Opinion on the Prosecution Reform Concept (2015): <http://bit.ly/2BrjTjw> NGOs Refer to Parliament Regarding the Approval of the Candidate for the Chief Prosecutor (2015): <http://bit.ly/2pvS9Ro>

<sup>12</sup> Public trust in important institutions 2016, a study commissioned by Transparency International Georgia and conducted by the Caucasus Research Resource Center: <http://bit.ly/2J1fjFR>

<sup>13</sup> Proposals of the Human Rights Education and Monitoring Center (EMC) on amendments to the Constitution (2017), pp. 3-4: <http://bit.ly/2P1OF3u> Reform of the Prosecutor's Office in Georgia –what is at stake? (2015), Open Society Georgia Foundation, p. 4: <http://bit.ly/2ZOWTKm>



Another significant challenge during the adoption of the PSG strategy document was the enhancement of individual prosecutor competences and their independence. The Law on the Prosecutor's Office only defined general norms on appointment, promotion, and dismissal of prosecutors, code of ethics was outdated, while the legal framework regulating disciplinary conduct was vague. In 2016, GRECO and OECD-ACN gave recommendations to the Government of Georgia to ensure appointment, promotion, and dismissal of individual prosecutors through transparent processes and based on justified, clear and objective professional criteria. The recommendations also required from the Government to set clear and objective criteria for assigning and revoking cases from prosecutors and issuing of reference from supervising prosecutors to subordinate prosecutors only in justified and written form; development of code of ethics; implementation of transparent disciplinary procedures and raising of awareness about these procedures among prosecutors.<sup>14</sup> The Venice Commission also referred to the enhancement of competences of individual prosecutors and to strengthening of their independence.<sup>15</sup> Civil society representatives have been continuously underlining these issues locally.<sup>16</sup> **Therefore, strengthening of individual prosecutors and promotion of their independence were significant challenges at the time of PSG Strategy and Action Plan development.**

Improvement of human rights protection and fight against individual crimes remained important challenges to the law enforcement system, including to the Prosecutorial Service of Georgia for a long time. Effective criminal prosecution of crimes committed by public officials, torture and mistreatment, domestic violence and violence against women and hate crimes have been significant difficulties over the years. The Public Defender wrote in the report that the work of the Prosecutorial Service of Georgia in regards to effective investigation and prosecution of torture, inhumane and degrading treatment crimes was ineffective.<sup>17</sup> UN Human Rights Council and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment also called upon the Georgian government to ensure effective criminal prosecution of crimes committed by state officials.<sup>18</sup> The EU Association Agenda listed fight against torture and inhumane treatment, organized crime, and narco-trafficking as priorities.<sup>19</sup> The Public Defender called upon the PSG to analyse thoroughly gender component of the murders of female victims and to properly react to such cases.<sup>20</sup> UN Spe-

<sup>14</sup> Anti-Corruption Reforms in Georgia - Fourth Round of Monitoring of the Istanbul Anti-Corruption Action Plan, OECD Anti-Corruption Network for Eastern Europe and Central Asia, pp. 69-70, Recommendation 13; Fourth Evaluation Report, Georgia - Corruption prevention in respect of members of parliament, judges and prosecutors, Council of Europe Group of State against Corruption (2016), paragraph 155, 166 and 171

<sup>15</sup> Joint Opinion of the Venice Commission, the Consultative Council of European Prosecutors (CCPE) and OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), on the draft Amendments to the Law on the Prosecutor's Office of Georgia, CDL-AD(2015)039, paragraph 17 and 90

<sup>16</sup> Overview of the Reforms in the Prosecution System of Georgia: Achievements and Existing Challenges, Institute for Development of Freedom of Information: <http://bit.ly/32GuDQ0> Coalition Opinions on the PSG reform (2015): <http://bit.ly/35MI0QS>

<sup>17</sup> Report on Human Rights and Freedoms Protection in Georgia, Public Defender, 2016, p. 8: <http://bit.ly/2OWY64t>

<sup>18</sup> Report of the Working Group on the Universal Periodic Review (2015) A/HRC/31/15, UN General Assembly Human Rights Council, paragraph 118.27 – 118.32: <http://bit.ly/2Mr41gi> Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 1 to 11 December 2014, PT/Inf (2015), paragraph 16

<sup>19</sup> Association Agenda between the European Union and Georgia 2017-2020, pp. 6, 12: <http://bit.ly/2JjrRjd>

<sup>20</sup> Special Report of the Public Defender on Violence against Women and Domestic Violence in Georgia, (2015), p. 41: <http://bit.ly/33C5mH0>



cial Rapporteur also talked about ineffective criminal prosecution of domestic violence and violence against women in 2016.<sup>21</sup> The Convention on Elimination of All Forms of Discrimination against Women expressed grave concern regarding the increase in violence against women and the decrease in criminal prosecutions of trafficking crimes.<sup>22</sup> In the Progress Report on National Strategy for Human Rights Protection, an international expert called the lack of will of the PSG to investigate hate-motivated crimes particularly problematic.<sup>23</sup> **Therefore, enhancement of human rights protection and increase of effectiveness of fight against certain type of crimes (including, torture and inhumane treatment, domestic violence and violence against women, hate-motivated crimes, trafficking and narco-trafficking) should have been included as priorities in the strategy documents of the PSG.**

An analysis of the 2017-2021 Strategy of Prosecutorial Service of Georgia demonstrated that all the above-mentioned issues have been included as priorities in the document. Specifically, increasing independence of prosecutors, human rights protection, effective combat against crimes, enhancement of prosecutorial service quality, enhancement of professionalism and qualifications of employees and increasing public trust were just a few among the priorities of the PSG (to what extent the activities defined in the Action Plan were effective in eliminating these problems is discussed in subchapter 1.2).<sup>24</sup>

These challenges still remain, however the newly emerged ones (discussed below) have not been included in the strategy documents as they have never been updated since their adoption.

In September 2018, the Ministry of Internal Affairs (MIA) announced the commencement of the **reform on the separation of authorities of the MIA and the PSG**.<sup>25</sup> As the current legislation, along with criminal prosecution, authorizes prosecutors to provide procedural supervision of investigation (defining investigative strategy, qualification of actions, etc.), this reform has a direct impact on the PSG and cannot be implemented without its participation.<sup>26</sup> However, this important direction has not been included in the strategy documents of the PSG.

In 2017, constitutional amendments were adopted, according to which the **Prosecutorial Service of Georgia was separated from the Executive Branch of government** and was established as an independent institution.<sup>27</sup> Legislative amendments, including Organic Law on the Prosecutor's Office and subordinate acts followed. Despite the fact that the Strategy named increasing independence of the PSG as one of the priorities, neither the Strategy nor the Action Plan make any reference to this reform.

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<sup>21</sup> Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia (2016) A/HRC/32/42/Add.3, UN General Assembly, p. 20: <http://bit.ly/33C5mH0>

<sup>22</sup> Concluding observations on the combined fourth and fifth periodic reports of Georgia (2014), CEDAW, paragraph: 20

<sup>23</sup> M. Nicolson report on the progress of 2014-2020 national strategy of human rights protection and recommendations on future approaches (2017), p. 21: <http://bit.ly/31qmVYZ>

<sup>24</sup> 2017-2021 Strategy of the Prosecutorial Service of Georgia

<sup>25</sup> MIA – Ministry of Internal Affairs starts a reform of investigative system (2018): <http://bit.ly/2Mtb4Fb>

<sup>26</sup> IDFI's Opinion on the Reform Separating Prosecutorial and Investigative Powers (2019): <http://bit.ly/2P3x6jx>

<sup>27</sup> The Constitutional Amendments entered force after the 2018 Presidential Elections



An analysis of international reports and recommendations, opinions of the Public Defender and civil society representatives demonstrates that the PSG Strategy and Action Plan had taken into account all important challenges existing at the time of development of these documents. However, crucial reforms (separation of authorities of the MIA and the PSG, separation of the PSG from executive branch) that were initiated and implemented thereafter were not reflected in the strategic documents.

## 1.2 ASSESSMENT OF OBJECTIVES AND ACTIVITIES OF THE STRATEGY AND ACTION PLAN OF THE PROSECUTORIAL SERVICE OF GEORGIA

The PSG Strategy and Action Plan include 10 objectives. Each objective has one or several goals, relevant mechanisms and planned activities are defined for the achievement of each goal. The Action Plan covers 2017-2021 years and one calendar year is considered for implementation of each activity. The Action Plan doesn't include an indicator column. The Plan determines structural units responsible for the implementation of each activity (along with partner agencies). Objectives, goals, and mechanisms are enumerated in the Action Plan, but not the activities. While only one activity has been enlisted for the achievement of some goals, in a lot of cases the number of activities exceeds one and in such cases enumerating them would have made the document more comprehensive and easily understandable.

According to the information provided by the PSG to the IDFI regional partner, Civil Society Institute, all units, including the Prosecutorial Service of Adjara Autonomous Republic were involved in the development of the 2017-2021 Strategy and Action Plan. All opinions were reviewed by a working group on the development of the Strategy and Action Plan, after which mechanisms for the achievement of the goals were determined in the appropriate document. Further review of the Strategy and Action Plan developed by the working group and conducting mid-term progress analysis according to regions were required. In one-on-one and group meetings with the Civil Society Institute, it became clear that after the initial presentation of the document, prosecutors haven't had any involvement with the strategy documents.

According to the policy planning guideline, confirmed by the Decree of the Government of Georgia, it is recommended to include three to five global goals with appropriate objectives, which should be based on the relevant goals.<sup>28</sup> The same document defines a goal of a policy document as a statement on a solution of an existing problem; while an objective is defined as a specification of a goal, specific outcome that must be achieved in a specific time frame.<sup>29</sup> Unlike the definition in the Government Decree, in the PSG Action Plan the term objective is used for broad statement on a solution of problems, while the term goal is used with the meaning of an objective, as a specification of a goal. Furthermore, in 9 out of 10 cases, a goal and an objective of the PSG Strategy and Action Plan are identical and

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<sup>28</sup> Decree N629 of the Government of Georgia, December 30, 2016, p.13

<sup>29</sup> Ibid, pp. 5-6



there is no difference between them (see Table #1). In these 9 cases where a goal and an objective are almost identical, some of them meet the criteria for a goal and some – for an objective. For example, increasing independence of the PSG (as well as protection of human rights) are broad enough to be presented as goals. This goal should have specific objectives such as: implementation of transparent and objective procedures for the appointment of the Chief Prosecutor, enhancement of prosecutor qualifications, increasing the role of the collegial bodies of the PSG in the decision-making process, etc.

Another column included in the PSG Action Plan – measures for achievement of a goals in some cases represents a goal (e.g. 6.1.6. implementation of uniform criminal justice policy), while in some – an objective (e.g. 1.1.6. implementation of transparent procedures for hiring and promotion of employees at the PSG, 1.1.3. implementation of transparent disciplinary measures at the PSG, 2.1.3. increasing effectiveness of combat against terrorism), in others – an activity (5.1.2. publication of documents on international cooperation on criminal justice cases, 5.1.6. development of a legal guidebook for legal practitioners).

Table #1:

PSG Action Plan Objective	PSG Action Plan Goal
1. Increasing independence of the PSG	1.1. Increasing independence of the PSG
2. Increasing effectiveness of combat against individual crimes	2.1. Increasing effectiveness of combat against individual crimes
3. Protection of human rights	3.1. Effective combat against violence against women and domestic violence
	3.2. Combat against torture and mistreatment
	3.3. Increasing effectiveness of combat against discriminatory and hate-motivated crimes
4. Juvenile Justice	4.1. Establishment of an effective juvenile justice system
5. International cooperation on criminal justice cases	5.1. Effective international cooperation on criminal justice cases
6. Enhancement of prosecutorial work quality and development of homogenous criminal justice policy	6.1. Enhancement of prosecutorial work quality and development of homogenous criminal justice policy
7. Increasing public trust	7.1. Increasing public trust
8. Crime prevention	8.1. Crime prevention
9. Improving work environment	9.1. Improving work environment
10. Enhancing employee professionalism and qualifications	10.1. Enhancing employee professionalism and qualifications



According to the universally acknowledged standards, objectives should satisfy S.M.A.R.T. criteria – they must be specific, measurable, attainable, realistic and time-bound.<sup>30</sup> Few of 10 statements in the objective column of the PSG policy documents more or less satisfy these criteria (2, 6, 7, and 10). Other statements are not specific enough and/or are not measurable, to be considered an objective. For example, the objective three (protection of human rights) is very general, is not specific enough and is impossible to measure. The same applies to the objective four and others.

**Mixing up the terms goal and objective in the PSG strategy, inclusion of unspecific and unmeasurable objectives, goal achievement mechanisms column under which goals, objectives, and activities are misused create confusion and mark a significant flaw of the PSG Action Plan.**

Some activities defined in the PSG Action Plan are not sufficient for the achievement of respective objectives. For example, the first objective (increasing independence of the PSG) has no activities related to increasing institutional independence and political neutrality of the PSG (except for the development of proposals on refinement of Chief Prosecutor selection rules), while only studying of international practice, development of proposals on refinement of collegial body operations (not increasing its role) and organizing a session are defined as activities for increasing the role of the PSG collegial bodies.<sup>31</sup> In regards to the implementation of a uniform criminal justice policy, updating recommendations and preparation of a report are named, however, there are no activities for establishment or strengthening of coordination mechanisms between law enforcement agencies, which is one of the most crucial steps for establishment of a homogeneous criminal policy.

Notably, no measures for the implementation in practice of 2017 Constitutional Amendments have been included in the 2018 update of the PSG Action Plan. Specifically, Paragraph 3 of Article 64 of the Constitution of Georgia states that the function of the Prosecutorial Council is to ensure independence, transparency, and effectiveness of Prosecutorial Service. However, the limited authority allocated to the Council by the Organic Law on the PSG cannot ensure proper implementation of those functions.<sup>32</sup> The Action Plan doesn't consider any specific measures related to this issue.

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<sup>30</sup> Support for Improvement in Governance and Management, GOV/SIGMA(2018)3, OECD Public Governance Directorate, 33. 45: <http://bit.ly/2Bsvqlq>

<sup>31</sup> Thus, the only activity of the Advisory Council, according to the Action Plan, for last three years was holding a session. According to the PSG, when speaking about the inadequacy of measures to increase the independence of the Prosecutor's Office, including the strengthening of the role of collegial bodies, it should be borne in mind that it is the Prosecution's Action Plan and not the National Action Plan. In addition, for example, increasing the role of collegial bodies in the prosecution needs legal amendments. PSG is not authorized to accept and comply with any obligation requiring legislative changes. The issue falls within the competence of the Government and Parliament, and the Prosecutor's Office has no right to make any legislative changes or legislative initiatives. IDFI's position on this issue is as follows: the Agency has undertaken the commitment by its Action Plan to strengthen its independence (the first task of the Action Plan is to increase the independence of the Prosecutor's Office, and under this objective it defines commitments such as 1.1.1. Increasing the role and importance of collegial bodies; 1.1.3. Implementation of Transparent Disciplinary Procedures; 1.1.5 Enhance the degree of independence of PSG and individual prosecutors; 1.1.6. Implementation of transparent procedures for recruitment and promotion of employees in the prosecution system. Each of these commitments entails legislative change, which the agency will not be able to fulfill without cooperation with other state institutions/branches. Since the institution set the obligations in its Action Plan, it should have had the plan for their implementation. Consequently, IDFI does not impose any new obligation for the prosecutor's office, but measures the implementation of the commitments on the basis of objective indicators

<sup>32</sup> For additional information, please see Prosecutorial Reform – Review of System Changes at the Onset of 2019, IDFI, February 2019: <http://bit.ly/33L4gZv>



The PSG Action Plan includes many insignificant and small activities to be implemented throughout the year, such as establishment of a working group, starting of guidebook development, commencement of work on development of electronic case management system, etc. It is unacceptable to overburden the Action Plan with such technical measures. To achieve the goals and objectives of the Action Plan in a timely manner, more significant and larger scale activities should be included in it. The PSG Action Plan considers one calendar year for implementation of each activity and it is unclear why establishment of a working group or commencement of working on development of an electronic case management system requires such a long time.

**Lack of sufficient activities for some of the directions (as well as, formal and ineffective updating of the Action Plan in response to the current challenges) and overburdening of the Action Plan with insignificant, stretched out measures are obstacles to the achievement of the Strategy goals and therefore, significant shortcomings of the Action Plan.**

According to the abovementioned Government Decree, one of the components of a policy document should be an outcome indicator – quantitative and qualitative indicators that measure the outcome. For determination of outcome indicators, baseline, mid-term<sup>33</sup> and final targets must be demonstrated.<sup>34</sup> The PSG Strategy and Action Plan don't take into account either outcome indicators, or baseline, mid-term and final targets. Without the indicators, it is practically impossible to measure goals and objectives, especially when objectives do not comply with S.M.A.R.T. criteria. The outputs used in the PSG Action Plan do not allow for measuring the progress. Additionally, the Action Plan doesn't have impact and outcome indicators, making the achievement of goals and objectives vague even in cases where 100% of activities have been implemented.

**Lack of indicators, baseline, mid-term and final targets in the Action Plan is a significant shortcoming of the policy document and a serious challenge to the monitoring process.**

Finally, it must be noted that the activities related to persons with disabilities are included in the fourth objective, juvenile justice. Inclusion of these two independent topics in one objective is confusing. It is recommended to separate these two directions in the Action Plan.

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<sup>33</sup> A mid-term indicator is particularly important in cases of long action plans, such as the PSG Action Plan (2017 - 2021)

<sup>34</sup> Ordinance N629 of the government of Georgia, December 30, 2016, p. 14: <http://bit.ly/2J5eYC8>



## 2 COMPARISON OF THE PSG STRATEGY AND ACTION PLAN WITH THE RELEVANT SECTORAL ACTION PLANS

It is essential for effective implementation of commitments taken by an agency under various action plans that all these activities be included in the action plan of the agency as well, especially when some sectoral action plans have weak or no monitoring mechanisms.<sup>35</sup> In this section of the alternative monitoring, sectoral action plans in which the PSG is a responsible institution are identified and the consistency of commitments of the PSG in these sectoral plans and its own plan analysed. From the identified action plans, the objectives and activities for which the PSG is responsible are compared to the PSG Action Plan and the objectives and activities that are inconsistent with each other are underlined.

For the alternative monitoring purposes of the PSG 2017-2021 Action Plan, the following sectoral action plans related to the PSG have been identified:

- — Government of Georgia action plans on Human Rights Protection for 2016-2017 and 2018-2020;
- — Criminal Justice System Reform Action Plan for 2017-2021;
- — Action Plan on Combating Human Trafficking for 2017-2018;
- — Action plans on Measures to be Implemented for Combating Violence Against Women and Domestic Violence and for the Protection of Victims for 2016-2017 and 2018-2020;
- — National Anti-Corruption Action Plan for 2017-2018;
- — Action Plan on Fight against Torture, Inhuman and Degrading Treatment (ill-treatment) for 2017-2018.

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<sup>35</sup> For example, Action Plan on Measures to be Implemented for Combating Violence Against Women and Domestic Violence and for the Protection of Victims and Criminal Justice System Reform Action Plans are not monitored, the institutions prepare progress reports, however no monitoring or assessment reports are prepared



## 2.1 NATIONAL HUMAN RIGHTS ACTION PLAN FOR 2016-2017 AND 2018-2020

Third priority of the Human Rights Action Plan for 2016-2017 fully consists of the PSG commitments. Some important commitments of the PSG set forth in this Action Plan are also covered by the PSG Action Plan, however, the latter one does not foresee the activities given in the third priority of the Human Rights Action Plan such as strengthening capacity of the PSG Training Centre.<sup>36</sup>

As for the Human Rights Action Plan for 2017-2018, priority 16 concerns children's rights, including preventive measures for juvenile crime. Despite the fact that the PSG Action Plan includes topics related to juvenile justice, it doesn't cover all activities defined in the Human Rights Action Plan.<sup>37</sup>

The PSG Action Plan doesn't include any activities related to systematization and proactive publication of information on criminal investigations of workplace injury and death cases, which is an exclusive obligation of the PSG, according to the National Human Rights Action Plan.<sup>38</sup>

Despite the fact, that the PSG Action Plan includes increasing the effectiveness of the fight against discriminatory and hate-motivated crimes,<sup>39</sup> it doesn't consider production of statistics on religiously-motivated hate crimes, which according to the National Human Rights Action Plan is an obligation of the PSG and the Ministry of Internal Affairs.<sup>40</sup>

The activities for which the PSG is exclusively responsible in the National Human Rights Action Plan, are almost identical in the PSG Action Plan. However, there are differences in timeline arrangement. For example, while according to the PSG Action Plan establishment and adoption of prosecutor and investigator evaluation criteria should be completed in 2018, the National Human Rights Action Plan considers this activity for 2019. The PSG Action Plan envisions 2019-2020 for preparation of an analysis and appropriate adjustment of the evaluation system functioning, while the same activity has been intended for 2018 in the National Human Rights Action Plan. The same discrepancy can be found in the activities in the timeline of development of definitions related to the code of ethics and disciplinary liability: according to the PSG Action Plan, this activity should have been completed in 2017, while the National Human Rights Action Plan considers implementation of this activity in 2019.

According to the National Human Rights Action Plan retraining of the PSG employees on professional ethics standards is planned for 2018, while the PSG Action Plan includes this activity for all years between 2018 and 2021.

**Consequently, there is a significant discrepancy in the arrangement of the activities in the National Human Rights Action Plan and the Action Plan of the General Prosecutor's Office. This is problematic as the Action Plan of an agency should reflect all commitments taken in various formats. The discrep-**

<sup>36</sup> Human Rights Action Plan 2016-2017, objective 3.1.5., activities 3.1.5.1., 3.1.5.2., 3.1.5.3., 3.1.5.4

<sup>37</sup> E.g. Activity 16.1.6. of the National Human Right Action Plan: implementation/activation of interagency mechanism for identification of crime reinforcing risk factors, early intervention, referral and response programs

<sup>38</sup> National Human Rights Action Plan, Activity 9.1.7.1

<sup>39</sup> 2017-2021 PSG Action Plan, Objective 3.3

<sup>40</sup> National Human Rights Action Plan, Activity 18.1.3.3



ancy in dates of the same activities can create problems in the monitoring process, making it less effective and confusing.

## 2.2 CRIMINAL JUSTICE SYSTEM REFORM ACTION PLAN

The fourth chapter of the Criminal Justice System Reform Action Plan is entirely dedicated to commitments of the PSG. The activities in this chapter are almost identical to the ones in the PSG Action Plan, however, minor disparities occur. For example, the Criminal Justice System Reform Action Plan mentions a measure of engaging a witness and victim coordinator in juvenile cases.<sup>41</sup> While the PSG Action Plan contains activities on updating the coordinator guidebook, retraining of witness and victim coordinators and prosecutors for engagement of coordinators in juvenile and domestic violence cases, this engagement in the PSG Action Plan is considered only for domestic violence cases.<sup>42</sup>

Direction number 8 of the Criminal Justice System Reform Action Plan, Juvenile Justice Reform Action Plan also includes activities for the PSG, which are mirrored in Goal 4 of the PSG Action Plan. The only difference is still the engagement of a witness and victim coordinator in juvenile cases. However, notably, all activities of the Criminal Justice System Reform Action Plan where the PSG is listed as a partner or co-executor, are different from the PSG Action Plan.

**The analysis of the Criminal Justice System Reform Action Plan demonstrates that this strategy document is in accordance with the PSG Action Plan, however, it is recommended to reflect all the PSG activities of sectoral action plans in the PSG Action Plan, whether PSG is the only executor, co-executor or a partner.**

## 2.3 ACTION PLAN FOR COMBATING HUMAN TRAFFICKING

19 activities in the 2017-2018 Action Plan for Combating Human Trafficking are assigned to the PSG. The most important of them are: study of foreign practices and accordingly, preparation of legislative amendments on suspending criminal charges against victims of human trafficking,<sup>43</sup> study of feasibility of joint investigative groups on human trafficking,<sup>44</sup> joint discussion on completed cases for identification of trafficking trends,<sup>45</sup> refinement of guideline principles for law enforcement agen-

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<sup>41</sup> Criminal Justice System Reform Action Plan, Direction 4, Goal 3, Activity 3.1.3

<sup>42</sup> PSG Action Plan 2017-2021, Objective 3, Goal 3.1

<sup>43</sup> 2017-2018 Action Plan for Combating Human Trafficking, Goal 1, Objective 1.1, Activity 1.1.6

<sup>44</sup> Ibid, Activity 1.1.7

<sup>45</sup> Ibid, Goal 4. Objective 4.1, Activity 4.1.1



cies on investigation, criminal prosecution of trafficking crimes and treatment of trafficking victims,<sup>46</sup> development of guideline principles on active engagement of a witness and victim coordinator in criminal procedures of suspected trafficking cases<sup>47</sup>, retraining of witness and victim coordinators for their effective engagement in criminal proceedings of trafficking cases<sup>48</sup>, etc. Almost none of the commitments of the PSG stated in the Action Plan for Combating Human Trafficking are included in the PSG Action Plan. The only activity present in both action plans is retraining of prosecutors and interns on trafficking issues.

**Omission of the PSG obligations of the 2017-2018 Action Plan for Combating Human Trafficking from the PSG Action Plan is a significant shortcoming of the strategy document and it is essential that these activities be properly stated in the updated PSG Action Plan.**

## 2.4 ACTION PLANS FOR ACTIVITIES OF COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE, AND VICTIM PROTECTION FOR 2016-2017 AND 2018-2020

In the action plans for Activities of Combating Violence against Women (VAW) and Domestic Violence, and Victim Protection for 2016-2017 and 2018-2020, there are almost identical commitments set forth for PSG. In both of the documents PSG has only several commitments. These Action Plans themselves are of smaller scale and the low volume of the PSG obligations could be due to this factor. Under the Action Plan for Activities of Combating Violence against Women and Domestic Violence, and Victim Protection for 2016-2017, PSG has nine commitments. For one commitment out of nine, PSG is a partner institution while it is a lead institution for the other eight. Measures prescribed by the Action Plan are retraining of prosecutors;<sup>49</sup> carrying out informational meetings;<sup>50</sup> insert the issues related to violence against women and domestic violence in educational programs;<sup>51</sup> continuous monitoring of criminal cases, identification of shortcomings and planning relevant measures;<sup>52</sup> creation of common methodological standards for data collection regarding violence against women and domestic violence;<sup>53</sup> renewal of common aggregated data-base on violence against women and domestic violence;<sup>54</sup> etc.

From measures prescribed for 2017 for PSG by the Action Plan for Activities of Combating Violence

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<sup>46</sup> Ibid, Activity 4.1.3

<sup>47</sup> Ibid, Activity 4.1.4

<sup>48</sup> Ibid, Goal 5. Objective 5.1, Activity 5.1.2

<sup>49</sup> Action Plan for Activities of Combating Violence against Women and Domestic Violence, and Victim Protection for 2016-2017, goal 1, objective 1.1., activity 1.1.1

<sup>50</sup> Ibid, objective 1.2., activity 1.2.2

<sup>51</sup> Ibid, objective 1.1., activity 1.1.3

<sup>52</sup> Ibid, objective 2.3., activity 2.3.4

<sup>53</sup> Ibid, objective 2.5., activity 2.5.1

<sup>54</sup> Ibid, activity 2.5.2



against Women and Domestic Violence, and Victim Protection for 2016-2017, only measures related to retraining the prosecutors, carrying out informational meetings and revision of recommendations are included in the PSG Action Plan.<sup>55</sup> The PSG Action Plan does not mention the activities related to continuous monitoring of VAW and domestic violence cases, creation of data base even though the Action Plan for Activities of Combating Violence against Women and Domestic Violence, and Victim Protection requires from the responsible agencies to integrate its commitments into the institutional action plans.<sup>56</sup> The situation was improved for the commitments of 2018, as the commitments of the PSG in this Action Plan (2018-2020), except for minor differences, are reflected in the PSG Action Plan.<sup>57</sup> **Complete reflection of almost all relevant commitments of the PSG of the Violence towards Women and Domestic Violence Action Plan in the agency's own Action Plan is most likely connected to one of the commitments of the PSG in Violence towards Women and Domestic Violence Action Plan to do exactly that.**<sup>58</sup>

## 2.5 NATIONAL ANTI-CORRUPTION ACTION PLAN 2017-2018

Commitments of the PSG in the 2017-2018 Anti-Corruption Plan are filed under Priority 5 and the chapter on criminalization of corruption.

Anti-Corruption Action Plan commitment of the PSG on defining criteria for appointment and promotion of prosecutors<sup>59</sup> is mirrored in the PSG Action Plan measure on implementation of transparent procedures for hiring and promotion of employees at the Prosecutor's Office.<sup>60</sup> The two plans coincide on measures regarding the implementation of the prosecutor evaluation system, however, there is a significant discrepancy in time periods for this activity. While the PSG Action Plan considers analysis and refinement of the prosecutor evaluation system<sup>61</sup> for 2019-2021, the Anti-Corruption Action Plan envisions this activity for 2017-2018.<sup>62</sup> According to the Anti-Corruption Action Plan, case assignment

<sup>55</sup> PSG Action Plan for 2017-2021, goal 3.1., activities 1, 2, 4

<sup>56</sup> Action Plan for Activities of Combating Violence against Women and Domestic Violence, and Victim Protection for 2016-2017, goal 1, objective 1.1., activity 1.1.4

<sup>57</sup> Activity 1.1.4 of the 2018-2020 Action Plan for Activities of Combating Violence Against Women and Domestic Violence, and Victim Protection includes a PSG obligation on production of statistical data related to violence against women and domestic violence and on making this data accessible. The PSG Action Plan includes a measure on general processing of statistical data, however it doesn't specifically mention data on violence against women and domestic violence, as it does in case of juvenile justice

<sup>58</sup> 2018-2020 Action Plan for Activities of Combating Violence against Women and Domestic Violence, and Victim Protection, Goal 3. Objective 3.1, Activity 3.1.2

<sup>59</sup> 2017-2018 Anti-Corruption Action Plan, Priority V. Prevention of corruption at law enforcement agencies, Outcome 5.1, Activity 5.1.1

<sup>60</sup> 2017-2021 PSG Action Plan, Objective 1. Goal 1.1, Activity 1.1.6

<sup>61</sup> Ibid, Activity 1.1.2

<sup>62</sup> 2017-2018 Anti-Corruption Action Plan, Priority V. Prevention of corruption at law enforcement agencies, Outcome 5.1, Activity 5.1.2



for prosecutors should be created and functional in 2018<sup>63</sup> while the PSG Action Plan envisions its implementation in 2019.<sup>64</sup>

The PSG Action Plan does not reflect any of the important commitments the PSG has in the Anti-Corruption Action Plan, which is a serious shortcoming of the strategy document. Such measures are:

- Implementation of transparent and unbiased remuneration and incentive system, its subsequent analysis, and adjustment;<sup>65</sup>
- Clear separation of functions among regional prosecutors and their deputies;<sup>66</sup>
- Providing written reasoning for decisions on retraction of cases from prosecutors and for directives on a case given by supervising prosecutors to a subordinate one;<sup>67</sup>
- Training of prosecutors on issues of foreign citizens paying/receiving bribes;<sup>68</sup>
- Production and publication of statistics on corruption crimes;<sup>69</sup>
- Development of detailed instructions for criminal prosecution of abuse of power in accordance with the requirements of the UN Convention Against Corruption;<sup>70</sup>
- Ratification of the third additional protocol of the European Convention on Extradition, signing, and ratification of the fourth protocol.<sup>71</sup>

**It's important to note that the vast majority of measures included in the Anti-Corruption Action Plan that are not reflected in the PSG Action Plan are based on the recommendations of GRECO and OECD-ACN. Therefore, their omission in the strategy documents is a significant shortcoming.**

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<sup>63</sup> Ibid, Outcome 5.2, Activity 5.2.5

<sup>64</sup> 2017-2021 PSG Action Plan, Objective 6. Goal 6.1, Activity 6.1.3

<sup>65</sup> Ibid, Activity 5.1.3

<sup>66</sup> 2017-2018 Anti-Corruption Action Plan, Priority V. Prevention of corruption at law enforcement agencies, Outcome 5.1, Activity 5.1.7

<sup>67</sup> 2017-2018 Anti-Corruption Action Plan, Priority V. Prevention of corruption at law enforcement agencies, Outcome 5.2, Activity 5.2.6

<sup>68</sup> Ibid, II Criminalization of corruption, effective detection and criminal prosecution of corruption crimes, Outcome 1. Activity 1.4

<sup>69</sup> Ibid, Outcome 2. Activity 2.4

<sup>70</sup> Ibid

<sup>71</sup> Ibid, Outcome 6. Activity 6.1



## 2.6 ACTION PLAN ON FIGHT AGAINST TORTURE, INHUMAN AND DEGRADING TREATMENT (ILL-TREATMENT) FOR 2017-2018

The Prosecutor's Office has committed itself to 13 measures under the 2017 - 2018 Action Plan to Fight against Torture, Inhuman and Degrading Treatment or Punishment. In four of these cases, the Prosecutor's Office is designated as a partner agency, with being a lead institution for the remaining nine. The Action Plan includes measures to develop a comprehensive legal framework for the creation of effective mechanism for investigation of allegations of torture and other ill-treatment cases in the penitentiary system, police and other closed institutions;<sup>72</sup> development and implementation of methodological and tactical instructions for effective investigation of torture and other forms of ill-treatment;<sup>73</sup> dissemination of information on the results of investigations and subsequent trials on torture / ill-treatment cases;<sup>74</sup> analysing internal legal acts on combating ill-treatment with a view to bringing them in line with international standards and, where appropriate, making appropriate changes;<sup>75</sup> further refinement of existing internal monitoring mechanisms in relation to reporting obligations of mistreatment in line with international standards and recommendations;<sup>76</sup> continuation of the practice of timely notification of place of arrest / detention and placement / transfer of the accused / convict and proper implementation of the recommendations of internal and external monitoring mechanisms in this regard;<sup>77</sup> ensuring effective investigation and prosecution of allegations of ill-treatment by private individuals;<sup>78</sup> etc.

**None of the commitments reflected in the 2017-2018 Action Plan for Fight against Torture, Inhuman or Degrading Treatment or Punishment appear in the PSG Action Plan. Failure to include relevant activities in the latter is a significant shortcoming of the agency's action plan, which needs to be eliminated when updating the action plan.**

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<sup>72</sup> Action Plan on Fight against Torture, Inhuman and Degrading Treatment (ill-treatment) for 2017-2018, activity 2.3.1

<sup>73</sup> Ibid, activity 2.3.2

<sup>74</sup> Ibid, activity 4.2.2

<sup>75</sup> Ibid, activity 1.1.3

<sup>76</sup> Ibid, activity 1.2.3

<sup>77</sup> Ibid, activity 1.2.4

<sup>78</sup> Ibid, activity 1.2.6



### 3 MONITORING OF 2017-2018 PSG ACTION PLAN GOAL (OBJECTIVE) IMPLEMENTATION

For monitoring of implementation of the goals (objectives) of the Action Plan of the Prosecutorial Service of Georgia, information based on predefined indicators was requested from the General Prosecutor's Office of Georgia. The General Prosecutor's Office presented narrative information and additional documents, including agendas, guidelines, research, etc. In measuring achievement of objectives, along with information provided by the PSG, IDFI relied on the monitoring results of regional partners Civil Society Institute office in Batumi and Association Dea in Adjara and Zemo Svaneti, as well as, public interview results of CRRC Georgia and independently obtained information.<sup>79</sup>

The PSG Strategy and Action Plan include 10 objectives. For evaluation of these objectives, qualitative and quantitative indicators were defined within the monitoring process. Mid-term (2018) progress for each objective is presented below.

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<sup>79</sup> Reports on completion of sectoral action plans, etc.



### 3.1 OBJECTIVE 1. INCREASING INDEPENDENCE OF THE PSG

The first goal and objective of the PSG Action Plan are increasing independence of the PSG. For the monitoring purposes, seven indicators have been defined to evaluate the achievement of this goal/objective, quantitatively and qualitatively assessing progress of increasing the independence of the PSG.

From the seven indicators defined for the first goal/objective of the PSG Action Plan, in 2018, three indicators confirm that the objective has been fully achieved, accounting for 40% of the entire objective. Out of remaining four indicators that account for the rest 60%, two do not demonstrate that this objective has been achieved and two demonstrate that it has been partially achieved. In 2018, the first objective has been mostly achieved and its progress is 52%.

#### OUTCOME INDICATORS

1. The share of recommendations of the Venice Commission, issued on December 17, 2018, which have been adhered in determining the roles and functions of the collegial bodies of the Prosecutor's Office (15)
2. The share of recommendations/requirements of the fourth round of GRECO and OECD/ACN, implemented in the hiring and promotion procedures of the Prosecutor's Office system (15)
3. Compliance of the prosecutor evaluation system with the recommendation of the fourth round of OECD/ACN (15)
4. The number of prosecutors and investigators enrolled in the prosecutor evaluation system (15)
5. Share of the prosecutor performance evaluation outcomes that have been used in the decision-making process on promotion/career planning/professional development of prosecutors (15)
6. Compliance of the code of ethics and disciplinary liability norms of the Prosecutor's Office with the recommendations of the fourth round of GRECO and OECD/ACN (15)
7. The share of prosecutors and investigators that have undergone training on ethics and disciplinary liability issues (10)

*STATUS: MOSTLY IMPLEMENTED*

*PROGRESS: 52%*

According to first indicator of the first objective, the role and functions of the collegial bodies must



be in compliance with the December 17, 2018 recommendations of the Venice Commission.<sup>80</sup> According to these recommendations, to perform the constitutional role of the Prosecutorial Council:

- representation of civil society in the Prosecutorial Council should strengthen;
- oversight of giving orders by a supervising prosecutor to a subordinate one and case distribution should be included in the functions of the Prosecutorial Council;
- the role of the Prosecutorial Council in the career management of prosecutors should be strengthened;
- Career Management, Ethics and Incentives Board should be subordinated to the Prosecutorial Council;
- the role of the Prosecutorial Council in ensuring transparency at the PSG should be clearly defined.

The information provided by the PSG demonstrate that proposals to implement the Venice Commission recommendations have not been prepared. The examined legislative norms<sup>81</sup> demonstrate that the recommendations of the Venice Commission have not been implemented. **Therefore, based on this indicator this component of the first objective cannot be considered as achieved.**

According to second indicator of the first objective, recommendations/obligations of the fourth round of GRECO and OECD/ACN should have been incorporated in the procedures of appointment and dismissal of employees at the PSG. According to the information provided by the PSG, Organic Law of Georgia “On Prosecutor’s Office” entered force on December 16, 2018, regulating these issues. In assessing completion of this indicator, IDFI team relied on the Compliance Report<sup>82</sup> of the fourth round of Greco and the Progress Update Report for the fourth round of the OECD/ACN.<sup>83</sup> According to these reports, regulations on appointment and promotion of prosecutors are still vague, the Prosecutor General still has a big discretionary authority and the role of the Prosecutorial Council is minimal. Greco recommendations were considered partially implemented, OECD/ACN did not reflect on the progress of implementation of its recommendations. **Therefore, based on this indicator this component of the first objective cannot be considered as achieved.**

According to third indicator of the first goal, the prosecutor evaluation system should be based on the recommendations of the fourth round of OECD/ACN. According to this recommendation, the number of completed cases or not guilty outcome of cases should not have been used as criteria in evaluating prosecutors.<sup>84</sup> The implemented prosecutor evaluation system does not take into account number of

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<sup>80</sup> Opinion No. 937 / 2018 of the European Commission for Democracy Through Law of 17 December, 2018: <http://bit.ly/2MxfACZ>

<sup>81</sup> Organic Law of Georgia “On Prosecutor’s Office”: <http://bit.ly/35OdJkz> Bylaws of the Prosecutorial Council: <http://bit.ly/2pvXQyK>

<sup>82</sup> Corruption prevention in respect of members of parliament, judges and prosecutors – Compliance Report, GrecoRC4(2019)9: <http://bit.ly/2VXGdDP>

<sup>83</sup> Progress Update Report – Georgia, March, 2019: <http://bit.ly/2oUNPLr>

<sup>84</sup> Progress Update Report – Georgia, March, 2019, Recommendation 13.3: <http://bit.ly/2oUNPLr>



completed cases or not guilty outcome of cases. Prosecutors are evaluated on such criteria as quality of procedural supervision, participation in trainings and evaluations received during the trainings, participation in prevention and other activities, disciplinary measures and incentives used in regards to the prosecutor, etc. Therefore, OECD/ACN recommendation has been implemented in practice, which has also been mentioned in the progress report of the organization. **Based on the third indicator this component of the first objective can be considered as achieved.**

Fourth indicator of the first goal considers percentage of prosecutors and investigators included in the prosecutor evaluation system. According to the information provided by the PSG, 420 prosecutors were employed at the PSG by December 2018 and all of them have been evaluated. At the end of 2017, the Department of Supervision and Strategic Development of the Prosecutor's Office was reorganized to ensure qualified evaluation of prosecutors and investigators. The purpose was to establish a high degree of confidence in the qualifications of the prosecutors conducting the evaluation of the staff of the Prosecutor's Office. As a result of the reorganization, the department was staffed by prosecutors who successfully passed both the testing and interview stages.

Based on the evaluation system approved in 2018 by the General prosecutor, newly staffed Supervision and Strategic Development Department carried out assessment of legal writing and court trial skills of all prosecutors from all structural units in accordance with the criteria established by the evaluation system approved by the General Prosecutor.

A special form has been developed for the evaluation of prosecutors, which allows for all prosecutors to be assessed using a uniform methodology, with pre-established criteria and common standards. However, in order to ensure a high quality and uniform approach to the evaluation, the department provided detailed evaluation instructions to the evaluating prosecutors prior to conducting the evaluation. The legal writing assessment was carried out by 14 prosecutors, and additional five prosecutors were involved in the trial monitoring.

According to the presented information, for the purpose of evaluating the prosecutors, the Prosecutor's Office of Georgia has carried out thorough preparation both in terms of structuring and competence of the relevant personnel. Prosecutors were assessed using a unified methodology based on pre-established criteria and, most importantly, the performance of all prosecutors was assessed as per the indicator. **Therefore, according to the fourth indicator this component of the first objective should be considered as achieved.** It should also be noted that evaluating 420 prosecutors by 14 and 21 prosecutors within a year is very difficult and time-consuming, which may undermine the quality of the process. Therefore, it is desirable that the number of prosecutors who evaluate be reasonably consistent with the ones to be evaluated.

Fifth indicator refers to the consideration of the prosecutors' evaluation results in the process of career planning and incentives. According to the information provided by the Prosecutor's Office, throughout 2018 and beyond, in all cases of providing incentives to prosecutors, the Consultative Board was provided with a report on the description of a prosecutor based on the results obtained in the evaluation process. The results of the prosecutors' evaluation were taken into consideration for providing incentives to prosecutors, such as early retirement, employee appreciation, and more.



Consideration of the prosecutors' evaluation results in the process of encouraging prosecutors is welcome. However, work in this direction needs to continue. Mandatory nature of founding prosecutors' career planning and incentives on evaluation results should be clearly regulated. **Accordingly, based on the fifth indicator, this component of the first objective is partially satisfied.**

Compliance with the GRECO and OECD / ACN Fourth Round Recommendations on Prosecution Ethics and Disciplinary Norms was identified as the sixth indicator of the first objective. According to these recommendations, the Code of Ethics of the Prosecutor's Office should have been developed and implemented, and the disciplinary liability rules should have been clearly formulated while the proportionality of the sanctions should have been ensured.<sup>85</sup> Despite changes in ethical standards, the recommendation regarding disciplinary liability norms has not been implemented and the Prosecutor's Office failed to properly implement the Prosecutor's Code of Ethics by adopting an explanatory guide, as evidenced by the reports of GRECO and OECD-ACN.<sup>86</sup> **Accordingly, on the basis of the sixth indicator, the first objective may only be considered as partially achieved.**

Seventh indicator of the first goal is the ratio of prosecutors and investigators that have taken a training course on ethics and disciplinary liability issues. According to the information provided by the PSG, trainings on professional ethics and conflict of interests were taken by employees of the PSG, including prosecutors, investigators, consultants, specialists, and witness and victim coordinators. In 2018, 12 trainings were organized on this topic, with 254 participants. In 2017, 14 trainings on this topic were organized with 307 participants. In 2016, 9 trainings were held on the topic with 214 individuals participating. The presented information demonstrates that around a half of the PSG employees take training courses on ethics and conflict of interests annually. This must be evaluated positively and **based on the seventh indicator this component of the first objective is considered as achieved.**

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<sup>85</sup> Corruption prevention in respect of members of parliament, judges and prosecutors – Compliance Report, GrecoRC4(2019)9: <http://bit.ly/2VXGdDP> Progress Update Report – Georgia, March, 2019, recommendation 13.3: <http://bit.ly/2oUNPLr>

<sup>86</sup> Ibid



### 3.2 OBJECTIVE 2. INCREASING EFFECTIVENESS OF COMBAT AGAINST INDIVIDUAL CRIMES

The second goal and objective of the PSG Action Plan envision increasing effectiveness of fight against particular crimes. Increasing effectiveness of the PSG work in eight directions (goal attainment mechanisms) are prescribed by the PSG Action Plan in order to achieve the second goal (objective). For the monitoring purposes, appropriate indicators have been determined for each of the eight goal attainment mechanisms and each of them have been assigned with specific share/weight to the overall achievement of the goal (objective).

From the eight mechanisms defined for the achievement of the second goal/objective of the PSG Action Plan, by 2018, five have been fully completed (allocated share respectively 15, 15, 15, 15 and 10) and three – partially completed (allocated shares 15, 15 and 10). As of 2018, the second objective has been mostly achieved, however, the progress of achievement is 52%.

#### INCREASE THE EFFECTIVENESS OF THE FIGHT AGAINST TRAFFICKING

(weight of the goal (objective) attainment mechanism - 15)

##### OUTCOME INDICATORS

1. Implementation rate of the recommendations on improving the effectiveness of combat against trafficking (20)
2. Rate of initiating criminal prosecution on trafficking crimes (30)
3. Number of prosecutors working on trafficking cases and degree of their workload (30)
4. Number of cases managed in cooperation with another country (20)

STATUS: MOSTLY IMPLEMENTED

PROGRESS: 60%

Four indicators have been determined for the first direction of the second objective (increasing effectiveness of fight against trafficking). First indicator is the implementation rate of the recommendations on improving the effectiveness of combat against trafficking. According to the information provided by the PSG, a recommendation on effective investigation and criminal prosecution of trafficking crimes was adopted at the meeting of the Interagency Council on Fight against Trafficking on December 19, 2017. In January 2018, guideline principles for prosecutors on trafficking investigation and prosecution and treatment of trafficking victims was updated. On December 4-5, 2018, participants of the working group on detection of labor trafficking facts spoke about the peculiarities, results and challenges of trafficking detection, investigation and prosecution in Georgia. All participating agencies reported on labor trafficking. The Prosecutor's Office provided the participants with an analysis of the 2017-2018 criminal cases of trafficking. At the workshop, participants discussed the results of monitoring the implementation of the above mentioned recommendation, according to which, in 2017-2018, 39 trafficking cases were investigated and 100% of the completed cases (six cases total) were guilty verdicts.



Accordingly, based on the first indicator, the fulfillment of this component of the second objective/ goal attainment mechanism is confirmed.

The second indicator of the first direction of the second objective is an index of initiating criminal prosecution on trafficking crimes. According to the information provided by the PSG, criminal prosecution proceedings started against one person in 2016 (Article 143<sup>1</sup> of the Criminal Code), against four persons in 2017 and against seven persons in 2018 (Articles 143<sup>1</sup> and 143<sup>2</sup> of the Criminal Code).



While the index of the criminal prosecution initiation is not high, its growth rate is satisfactory – over the last two years – 85%, which must be assessed positively. Notably, the number of cases of trafficking registered by the Ministry of Internal Affairs in 2017 and 2018 was the same (21-21),<sup>87</sup> so the growth in prosecution was not related to the growth in crimes committed. **Therefore, based on the second indicator, this component of the second goal/objective is completed.**

The third indicator of the first direction of the second objective is the number of prosecutors working on trafficking crimes and their workload. According to the information provided by the PSG, there are three prosecutors specialized in trafficking crimes in the Autonomous Republic of Adjara and two – in Tbilisi. The workload of prosecutors is not calculated according to case categories, as the electronic program for case management does not have this capability. Workload of individual prosecutors is studied by the Department of Prosecutorial Supervision and Strategic Development. Prosecutors' workload is assessed based on their investigative and procedural actions. The workload of a prosecutor covers all possible actions related to the prosecutor's authority (such as initiating prosecution, assigning the status of a victim, petitioning for a court, terminating an investigation and / or prosecution, concluding a plea bargain, etc.). The specifics of the structural units are taken into account in the processing of prosecutors' workload information. Accordingly, only one type of structural divisions are compared with each other (for example, the district prosecution department is only compared with another district prosecution department, regional prosecutor's service only with the regional one, etc.). Data are statistically processed at both level - the individual and the structural units.

<sup>87</sup> Crime statistics 2018, Ministry of Internal Affairs: <http://bit.ly/32uyrE7>



Based on the average workload of prosecutors of the same unit, there are three categories attributed to them: a prosecutor/unit with a workload, a prosecutor/unit with average workload and a prosecutor/unit with less workload. At this stage, both methodological and technical improvements to data processing are underway, which will enable for real-time processing of the data on prosecutor's workload. Since investigative and procedural actions differ in complexity, in the future it is possible to introduce a system of evaluation in which each action will have a corresponding coefficient.

According to the information provided by the Prosecutor's Office, there is no program within the PSG that would automatically assess the Prosecutor's workload based on all necessary data. It is to be welcomed, however, that prosecutors' workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory components and methodology of the prosecutor's workload assessment, etc., which would enable for prosecutor's workload to be assessed based on all the necessary data. **Accordingly, based on the third indicator, this component of the second objective is partially accomplished.**

The fourth indicator of the first direction of the second objective is the number of cases solved in cooperation with other countries. According to the information provided by the PSG, in 2016-2018 no requests on cooperation on investigating criminal cases of trafficking have been sent to other countries. No information has been provided on the requests received from other countries. **Therefore, this goal/objective achievement measure, based on the fourth indicator, cannot be considered completed**

From the four indicators of the first direction of the second goal/objective of the PSG Action Plan, as of 2018, two indicators have been fully met, with the total share of 50% of the whole direction. From the remaining two indicators (with the share of 50%), one has not been met and one – partially met. Therefore, as of 2018, the first direction of the second objective has been mostly completed and its progress is 60%.

INCREASE THE EFFECTIVENESS OF THE FIGHT AGAINST CORRUPTION

*(weight of the goal (objective) attainment mechanism - 15)*

OUTCOME INDICATORS

- 1. Implementation rate of the recommendations on improving the effectiveness of combat against corruption (25)
- 2. Rate of initiating criminal prosecution on corruption crimes (40)
- 3. Number of prosecutors working on corruption crimes and their workload (35)

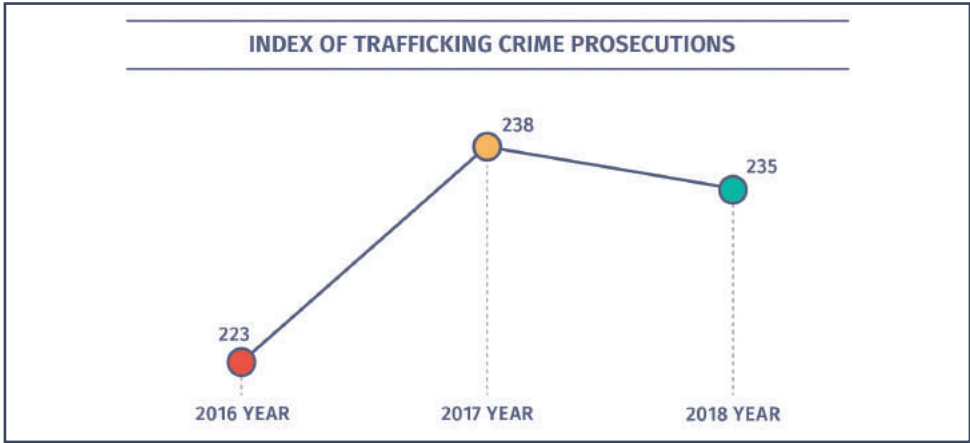
STATUS: MOSTLY IMPLEMENTED

PROGRESS: 51%



Implementation of the second direction (increasing effectiveness of combat against corruption crimes) of the second objective is evaluated based on three indicators. The first indicator is implementation rate of the recommendations on improving the effectiveness of combat against. According to the information provided by the PSG, to increase effectiveness of investigation of this crime, best practices of investigation of corruption crimes as well as the prepared recommendation are used during the investigation, prosecution and trial. The information does not include specific results of monitoring – as to how these recommendations are being implemented. **Therefore, based on the first indicator of the second direction of the second goal/objective, this measure cannot be considered completed.**

The second indicator of the second direction of the second objective is an index of the initiated criminal prosecutions of corruption crimes. According to the information provided by the PSG, the number of initiated criminal prosecutions for corruption crimes in 2016-2018 was stable.



The PSG considers a corruptions crime acts described in the Article 182 paragraph 2 (d), Article 332, Article 333, Articles 338-341 of the Criminal Code. The number of criminal prosecutions initiated on these crimes is much higher than on trafficking crimes (as well as the number of crimes registered by the Ministry of Internal Affairs). In 2018, 60 cases of accepting bribes were registered and criminal prosecution started on around 30% of them which needs to be considered as satisfactory taking into consideration the fact that corruption is one of the most difficult crimes to prove.<sup>88</sup>

Discrepancy in the number of registered cases and initiated criminal prosecutions is common and various rational reasons could explain such difference. 30% of prosecuted cases may be considered as an acceptable rate, however, it is important to continue work for effective prosecution. **Therefore, based on the second indicator of the second direction of the second goal/objective, this component can be considered completed.**

The third indicator of the second direction of the second objective is the number of prosecutors working on corruption crimes and their workload. According to the information provided by the PSG, prosecutors from almost all structural units of the PSG work on corruption crimes. Three prosecu-

<sup>88</sup> Effective Means of Investigation and Prosecution of Corruption, OECD, 33. 9: <http://bit.ly/33Er64W>



tors and four investigators of the Unit of Criminal Prosecutions are currently assigned to corruption crimes. This unit gets involved in particularly complex cases, e.g. cases where a high-level official is involved, etc.

As to the workload of prosecutors, it is not calculated according to the case categories, due to the limitations of the statistical module of the electronic case management system. Workload of individual prosecutors is studied by the Department of Prosecutorial Supervision and Strategic Development. Prosecutors' workload is assessed based on their investigative and procedural actions. The workload of a prosecutor covers all possible actions related to the prosecutor's authority (such as initiating prosecution, assigning the status of a victim, petitioning for a court, terminating an investigation and / or prosecution, concluding a plea bargain, etc.). The specifics of the structural units are taken into account in the processing of prosecutors' workload information. Accordingly, only one type of structural divisions are compared with each other (for example, the district prosecution department is only compared with another district prosecution department, regional prosecutor's service only with the regional one, etc.). Data are statistically processed at both level - the individual and the structural units. Based on the average workload of prosecutors of the same unit, there are three categories attributed to them: a prosecutor/unit with a workload, a prosecutor/unit with average workload and a prosecutor/unit with less workload. At this stage, both methodological and technical improvements to data processing are underway, which will enable for real-time processing of the data on prosecutor's workload. Since investigative and procedural actions differ in complexity, in the future it is possible to introduce a system of evaluation in which each action will have a corresponding coefficient.

According to the information provided by the Prosecutor's Office, there is no program within the PSG that would automatically assess the Prosecutor's workload based on all necessary data. It is to be welcomed, however, that prosecutors' workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory components and methodology of the prosecutor's workload assessment, etc., which would enable for prosecutor's workload to be assessed based on all the necessary data. **Accordingly, based on the third indicator, this component of the second objective is partially accomplished.**

**As of 2018, out of three indicators of the second direction of the second goal/objective, one has been met (with the share of 40%). Out of remaining two indicators, one shows that this component of the second objective is partially incomplete and another one shows that it is not. Therefore, as of 2018, the second direction of the second objective has been mostly completed, however, its implementation progress is only 51%.**



## INCREASE THE EFFECTIVENESS OF THE FIGHT AGAINST TERRORISM

*(weight of the goal (objective) attainment mechanism - 15)*

### OUTCOME INDICATORS

1. Rate of initiation of criminal prosecutions on terrorism-related crimes (40)
2. Number of prosecutors working on terrorism and an degree of their workload (35)
4. Number of terrorism cases managed in cooperation with another country (25)

STATUS: MOSTLY IMPLEMENTED

PROGRESS: 76%

The third direction (increasing effectiveness of combat against terrorism) of the second objective consists of three indicators. The first one the number of initiated criminal prosecutions on terrorism charges. According to the information provided by the PSG, the index of initiated criminal prosecutions on terrorism charges throughout 2016-2018 remained low (23, 10 and 16 respectively). The number of registered cases by the Ministry of Internal Affairs related to terrorism charges is also low (2017 – 19 and 2018 – 18). Based on the numbers provided, in 2017 and 2018 the prosecution was started on 52% and 90% registered cases (respectively). **Therefore, based on this indicator, this component of the second goal/objective is completed.**

The second indicator of the third direction of the second objective relates to the number of prosecutors working on terrorism and their workload. According to the information provided by the PSG, the workload of prosecutors is not calculated according to case categories, as the electronic program for case management does not have this capability. It is to be welcomed, however, that prosecutors' workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory components and methodology of the prosecutor's workload assessment, etc., which would enable for prosecutor's workload to be assessed based on all the necessary data. **Accordingly, based on the second indicator, this component of the second objective is partially accomplished.**

The third indicator of the third direction of the second objective is the number of terrorism cases managed in cooperation with another country. According to the information provided by the PSG, the highest number of requests for legal assistance on terrorism crimes was sent in 2018 – 23 (none were sent in 2016, and four in 2017). 11 of the 27 requests sent throughout the three years were satisfied, other cases are still ongoing, and none of the requests were rejected. **Therefore, based on the third indicator, this measure of the second goal/objective can be considered completed.**

**Out of three indicators of the third direction of the second goal/objective, two indicators show that the measure has been implemented and one indicator shows that it has been partly implemented. Therefore, the third direction of the second objective is mostly completed and its implementation progress is 76%.**



## INCREASE THE EFFECTIVENESS OF THE FIGHT AGAINST MONEY LAUNDERING AND TERRORISM FINANCING

*(weight of the goal (objective) attainment mechanism - 10)*

### OUTCOME INDICATORS

1. Implementation rate of the recommendations on combating money laundering and terrorism financing, detecting property acquired through illegal means and its seizure/rate of implementation of planned activities (20)
2. Rate of initiation of criminal prosecution in cases of money laundering and terrorism financing (30)
3. Number of prosecutors working on money laundering and terrorism financing and an indicator of their workload (30)
4. Number of cases involving money laundering and terrorism financing managed in cooperation with another agency (20)

STATUS: MOSTLY IMPLEMENTED

PROGRESS: 79%

Implementation of the fourth direction (increasing effectiveness in combat against money laundering and terrorism financing) of the second objective is assessed based on four indicators. The first indicator relates to the recommendations on increasing effectiveness of combat against money laundering and terrorism financing, and measures planned based on these recommendations. According to the information provided by the PSG, a working group established at the PSG in 2017 prepared and presented the following recommendations to the Advisory Council:

1. Conducting a monitoring by the Department of the Prosecutorial Supervision and Strategic Development of the Prosecutor General's Office of Georgia during the first two quarters of 2018, to identify individuals responsible for investigating a predicate crime, who have not followed all appropriate measures for identifying property qualified for seizure based on the Article 52 of the Criminal Code, in accordance with the 4<sup>th</sup> of August, 2015 recommendation of the Prosecutor General.

In compliance with this recommendation, the Department of Prosecutorial Supervision and Strategic Development of the Prosecutor General's Office of Georgia implemented monitoring and prepared a subsequent report in 2018. However, the August 4<sup>th</sup> 2015 Recommendation of the Prosecutor General required revealing specific cases, which isn't confirmed by the provided information.

2. To develop the institutional position of the PSG, initiate a discussion on modernization of the legislation related to distribution of seized assets among cooperating countries.

In accordance with the recommendation, current situation was analyzed, needs for legislative amendments were identified and on August 6<sup>th</sup>, 2018 appropriate changes were made to the parts of the Law 'On International Cooperation in Criminal Justice' related to seizure of assets through international cooperation. As a result, flexible and effective international mechanisms for asset seizure were established.



The legislation defines distribution mechanisms for assets qualified for seizure. **Therefore, based on the first indicator, this measure of the second goal/objective can be considered completed.**

The second indicator of the fourth direction of the second objective is an index of initiated criminal prosecutions on terrorism charges. According to the information provided by the PSG, the indicator of initiation of criminal prosecution on terrorism charges for 2016-2018 is as follows: 15 prosecutions initiated in 2016, 26 – in 2017, 5 – in 2018. The number of crimes registered for Articles 323-331<sup>1</sup> is also low, according to the Ministry of Internal Affairs statistics.<sup>89</sup> **Therefore, based on the second indicator, this measure of the second goal/objective, can be considered completed.**

The third indicator of the fourth direction of the second objective is the number of prosecutors working on money laundering and terrorism financing and their workload. According to the information provided by the PSG, the workload of prosecutors is not calculated according to the case categories, due to the limitations of the statistical module of the electronic case management system. It is to be welcomed that prosecutors' workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory components and methodology of the prosecutor's workload assessment, etc., which would enable for prosecutor's workload to be assessed based on all the necessary data. **Accordingly, based on the third indicator, this component of the second objective is partially accomplished.**

The fourth indicator of the fourth direction of the second objective is the number of cases of money laundering and terrorism financing managed in cooperation with another agency. According to the information provided by the PSG, one case on money laundering was initiated in cooperation with other agencies in 2016, while in 2017 and 2018 the numbers were three and three. Due to the low volume of initiated criminal prosecutions on these crimes, the number of cases managed in cooperation with other agencies is acceptable. **Therefore, based on the fourth indicator, this component of the second goal/objective can be considered completed.**

**As of 2018, out of four indicators defined for the fourth direction of the second goal/objective of the Action Plan, three indicators show that this component of the second objective has been implemented and one shows that it has been partly implemented. This measure has been mostly implemented and its implementation progress is 79%.**

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<sup>89</sup> Crime statistics 2018, Ministry of Internal Affairs: <http://bit.ly/32uyrE7>



## INCREASE THE EFFECTIVENESS OF THE FIGHT AGAINST CYBERCRIME AND IMPROVEMENT OF ELECTRONIC EVIDENCE GATHERING MECHANISMS

*(weight of the goal (objective) attainment mechanism - 10)*

### OUTCOME INDICATORS

1. Rate of initiation of criminal prosecution in cases involving cybercrime (35)
2. Number of prosecutors working on cybercrime and degree of their workload (35)
3. Number of activities based on the strategy for cooperation with Internet Service Providers (ISP) (30)

STATUS: PARTLY IMPLEMENTED

PROGRESS: 32%

The fifth direction (increasing effectiveness of combat against cybercrime and improvement of electronic evidence gathering mechanisms) of the second objective is assessed based on three indicators. The first indicator is the rate of initiated criminal prosecutions on cybercrimes. According to the information provided by the PSG, criminal prosecution based on Articles 284-286 started in 98 cases in 2016, in 2017 – 74, and in 2018 – 101. According to the Ministry of Internal Affairs, the number of registered crimes based on these articles is much higher than the number of initiated criminal prosecutions. Specifically, 506 cases of cybercrime were registered in 2017, while in 2018 the number was 1268.<sup>90</sup> It's clear that the PSG prosecutes a very small share of the registered cybercrimes. However, it needs to be taken into consideration that combating cybercrime is a challenge worldwide. **Therefore, based on the second indicator, this component of the second goal/objective can be considered partially implemented.** At the same time, it is important that the PSG analyzes this issue, identifies the existing challenges, their causes and develops ways of overcoming them in cooperation with the Ministry of Internal Affairs.

The second indicators of the fifth direction of the second objective is the number of prosecutors working on cybercrime and their workload. According to the information provided by the PSG, prosecutors from all structural units (except for the specialized units) performing prosecutorial functions work on cybercrime. Consequently, the exact number is impossible to be supplied. The workload of prosecutors is not calculated according to case categories, as the electronic program for case management does not have this capability. Workload of individual prosecutors is studied by the Department of Prosecutorial Supervision and Strategic Development. At this stage, both methodological and technical improvements to data processing are underway, which will enable for real-time processing of the data on prosecutor's workload. Since investigative and procedural actions differ in complexity, in the future it is possible to introduce a system of evaluation in which each action will have a corresponding coefficient.

<sup>90</sup> Crime statistics 2018, Ministry of Internal Affairs: <http://bit.ly/32uyrE7>



According to the information provided by the Prosecutor’s Office, the case of cybercrime may be assigned to any prosecutor, which is confusing taking into consideration the complexity of such crimes, prosecution of which requires special knowledge and skills. Based on the educational activities carried out for prosecutors in accordance to its Action Plan, part of them have been trained on investigation and prosecution of cybercrime. First of all, untrained prosecutors won’t be able to contribute to the effective fight against cybercrime. In addition to that it is not understandable why a case of cybercrime may be assigned to any prosecutor when there are trained prosecutors employed in the system.

As for the workload of prosecutors, there is no program within the PSG that would automatically assess the Prosecutor’s workload based on all necessary data. It is to be welcomed, however, that prosecutors’ workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory components and methodology of the prosecutor’s workload assessment, etc., which would enable for prosecutor’s workload to be assessed based on all the necessary data. **Accordingly, based on the second indicator, this component of the second objective is partially accomplished.**

The third indicator of the fifth direction of the second objective is the number of measures undertaken based on the strategy of cooperation with internet service providers. According to the information provided by the PSG, it still has not developed a strategy for cooperation with internet service providers and therefore, no measures based on the document could have been implemented. **Therefore, based on the fourth indicator, this measure of the second goal/objective cannot be considered implemented.**

From the three indicators of the fifth direction of the second goal/objective of the PSG Action Plan, one shows that this component has been partly implemented while the other two indicates that the component has not been implemented. Therefore, this goal attainment mechanism has been partly implemented and its implementation progress is 32%.

INCREASE OF THE EFFECTIVENESS OF THE FIGHT AGAINST DRUG-RELATED  
CRIMES

(WEIGHT OF THE GOAL (OBJECTIVE) ATTAINMENT MECHANISM - 10)

*Outcome Indicators*

- 1. Rate of initiation of criminal prosecution on narcotics crimes (50)
- 2. Number of prosecutors working on narcotics crimes and their workload indicator (50)

STATUS: MOSTLY IMPLEMENTED

PROGRESS: 65%



Implementation of the sixth direction (increasing effectiveness of combat against drug-related crimes) of the second objective is assessed based on two indicators. The first focuses on the index of initiated criminal prosecutions based on drug-related crimes. According to the information provided by the PSG, in 2016 criminal prosecution started on 4862 cases, in 2017 – 4457, and in 2018 – 3650. Unlike other crime categories, the number of initiated prosecutions is almost identical to the number of registered crimes by the Ministry of Internal Affairs.<sup>91</sup> Combating drug-related crimes, unlike other crime categories, requires a different approach and it doesn't necessarily include an increase of criminal prosecution index. This is further confirmed by the decision of the Constitutional Court, a person's choice how to relax and conduct the activity of their choice, including using marijuana, is protected by personal autonomy rights. As usage of marijuana can damage health, limitation of this right was found reasonable by the Court in such legitimate cases as protection of public safety, life, and health of others, etc.<sup>92</sup> As for years, drug consumption, including marijuana, was classified as a criminal felony, the number of initiated criminal cases on drug-related crimes should have decreased as a result of the recent legislative amendments. This seems to be the case – the number of prosecutions has declined by 20% in 2018 compared to the previous years. The number of initiated criminal prosecutions against narcotics smuggling and distribution has remained stable. **Therefore, based on the second indicator, this component of the second goal/objective can be considered completed.**

The second indicator of the sixth direction of the second objective is the number of prosecutors working on drug-related crimes and their workload. According to the information provided by the POG, prosecutors from almost all structural units, performing prosecutorial activities, except for specialized units, work on drug-related crimes. The Department of Prosecutorial Activities Supervision and Strategic Development oversees the workload of individual prosecutors. The workload of prosecutors is not calculated according to case categories, as the electronic program for case management does not have this capability. It is to be welcomed that prosecutors' workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory components and methodology of the prosecutor's workload assessment, etc., which would enable for prosecutor's workload to be assessed based on all the necessary data. **Accordingly, based on the second indicator, this component of the second objective has been partly implemented.**

**As of 2018, out of the two indicators of the sixth direction of the second goal/objective, one indicator demonstrates that this component of the objective has been implemented while another one shows that it has been partly implemented. Each indicator has equal weight. Therefore, sixth direction of the second objective has been mostly implemented and its implementation progress is 65%.**

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<sup>91</sup> Crime statistics 2018, Ministry of Internal Affairs: <http://bit.ly/32uyrE7>

<sup>92</sup> The Decision of the Constitutional Court of Georgia on the case “Citizen of Georgia Givi Shanidze v. Parliament of Georgia”: <http://bit.ly/32s8Qf6>



## IMPROVEMENT OF THE CRIMINAL PROSECUTION MECHANISM FOR LEGAL ENTITIES

*(weight of the goal (objective) attainment mechanism - 10)*

### Outcome Indicators

1. rate of criminal prosecution initiation against legal entities (50)
2. Number of prosecutors working on prosecution of legal entities and their workload (50)

STATUS: PARTLY IMPLEMENTED

PROGRESS:15%

The seventh direction (improving mechanisms for criminal prosecution of legal entities) consists of two indicators. The first indicator is defined based on the index of criminal prosecutions initiated against legal entities. According to the information provided by the PSG, the statistical module of the electronic case management system does not have capacity to provide this information in an automatic manner. **Therefore, based on the second indicator, this measure of the second goal/objective cannot be considered implemented.**

The second indicator of the seventh direction of the second goal/objective is the number of prosecutors working on crimes committed by legal entities and their workload. According to the information provided by the PSG, cases with legal entities can be allocated to any prosecutor from almost all structural units performing prosecutorial duties. The workload of prosecutors is not calculated according to case categories, as the electronic program for case management does not have this capability. Workload of individual prosecutors is studied by the Department of Prosecutorial Supervision and Strategic Development. It is to be welcomed that prosecutors' workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory components and methodology of the prosecutor's workload assessment, etc., which would enable for prosecutor's workload to be assessed based on all the necessary data. **Accordingly, based on the third indicator, this component of the second objective is partially accomplished.**

**As of 2018, out the two indicators defined for the seventh direction of the second goal/objective, one points to partially implementing the component related to prosecution of crimes committed by legal entities and another one shows that the component was not implemented. Therefore, this direction of the second goal/objective is partly implemented and its implementation progress is 15%.**



## IMPROVEMENT OF THE EFFECTIVENESS OF INVESTIGATION OF CRIMES COMMITTED DURING LEGAL PROCEEDINGS

*(weight of the goal (objective) attainment mechanism - 15)*

### OUTCOME INDICATORS

1. Rate of criminal prosecution initiation on crimes committed during legal proceedings (50)
2. Number of prosecutors working on prosecution of crimes committed during legal proceedings and their workload (50)

STATUS: PARTLY IMPLEMENTED

PROGRESS: 35%

The eighth direction (increasing effectiveness of investigation of crimes committed during legal proceedings) of the second objective includes two indicators. The first concerns the number of criminal prosecutions initiated on crimes committed during legal proceedings. According to the information provided by the PSG, in 2016 the PSG started investigation into 71 cases of possible crimes committed during legal proceedings, 25 of which have been completed (forceful seizure of property, physical assault-torture). From 13 public officials revealed during the investigations, criminal prosecution was initiated in case of four, for the rest discretionary authority was used. In 2017 the PSG started investigation in 54 similar cases and completed 35 cases – 20 instances of forceful seizure of property, 15 instances of physical assault-torture. From the nine public officials revealed during the investigation, criminal proceedings were initiated in case of six. In 2018, the PSG started investigation into 38 cases, revealing 24 cases of forceful seizure of property. No criminal prosecutions were initiated. The information reveals that the number of completed cases and revealed individuals is much higher than the number of the individuals charged, raising questions, as most individuals committing this crime are public officials. The PSG stressed out that such difference in numbers is caused due to the fact that persons charged with this crime cooperate with prosecution so discretionary authority is applied. Even if so, it is still dubious why no person was prosecuted in 2018. Therefore, the PSG should analyze this issue to detect any shortcomings and define ways of overcoming them. **Based on the second indicator, this measure of the second goal/objective can only be considered partly implemented.**

The second indicator of the eighth direction of the second objective is the number of prosecutors working on crimes committed during legal proceedings and their workload. According to the information provided by the POG, six prosecutions and eight investigators are assigned to the Department of the Crimes Committed during the Legal Proceedings of the Prosecutor General's Office of Georgia. The workload of prosecutors is not calculated according to case categories, as the electronic program for case management does not have this capability. Workload of individual prosecutors is studied by the Department of Prosecutorial Supervision and Strategic Development. It is to be welcomed that prosecutors' workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory



components and methodology of the prosecutor’s workload assessment, etc., which would enable for prosecutor’s workload to be assessed based on all the necessary data. **Accordingly, based on the third indicator, this component of the second objective is partly implemented.**

As of 2018, out of the two indicators of the eighth direction of the second goal/objective of the PSG Action Plan, neither confirm to fully achieving the objective set in combating crimes committed during legal proceedings. Therefore, this measure is partly implemented and its implementation progress is 35%.

### 3.3 OBJECTIVE 3. PROTECTION OF HUMAN RIGHTS

The third goal and objective of the PSG Action Plan is protection of human rights. To achieve this goal/objective, increasing effectiveness of the PSG in three directions (goal attainment mechanisms) is envisioned by the Action Plan. Each of the three directions of the third goal/objective has its own indicators and each direction has its share/weight in defining achievement of the goal/objective.

Out of the three goal attainment mechanisms for the third goal/objective of the PSG Action Plan, one has been mostly completed (allocated weight 30) and two are partially completed (allocated weights 40 and 30). Therefore, as of 2018, the third objective has been partly implemented and its implementation progress is 39%.

#### INCREASING THE EFFECTIVENESS OF THE FIGHT AGAINST CRIMES COMMITTED TOWARDS WOMEN AND DOMESTIC VIOLENCE

*(weight of the goal (objective) attainment mechanism - 30)*

##### OUTCOME INDICATORS

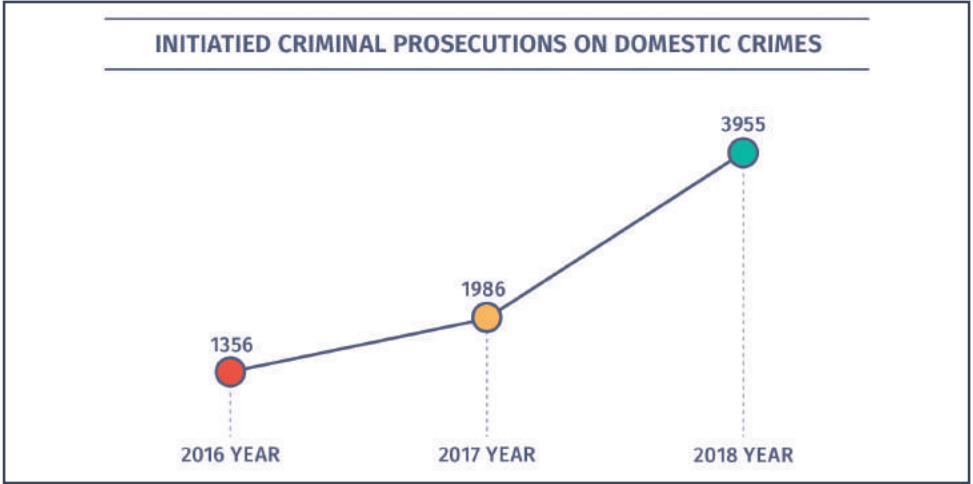
1. Rate of criminal prosecution initiation of cases of crimes committed towards women and domestic violence (35)
2. Number of prosecutors specialized in crimes committed towards women and domestic violence and their workload (35)
3. Number of activities aimed at increasing awareness about crimes committed towards women and domestic violence and number of participants (30)

STATUS: MOSTLY IMPLEMENTED

PROGRESS: 65%



The first direction (increasing effectiveness of combat against violence towards women and domestic violence) of the third objective has three indicators. The first one is the number of criminal prosecutions initiated on domestic violence. According to the information provided by the PSG, the number of initiated criminal prosecutions on crimes of violence towards women and domestic violence is much higher compared to the previous years. While in 2016 criminal proceedings were initiated in 1356 cases, in 2018 this number was 3955.



In 2017, the Ministry of Internal Affairs registered 2192 cases of domestic violence,<sup>93</sup> the same year the PSG started criminal prosecution in 1986 cases, which is a welcome development and points to the effectiveness of the PSG in this regard. **Therefore, based on the first indicator, this measure of the third goal/objective has been implemented.** Meanwhile, it is essential that the work continues on development of a unified methodology for processing statistical data and for revealing gender dimension of domestic violence crimes, as is outlined in the report of the Public Defender.<sup>94</sup>

The second indicator of the first direction of the second goal is the number of specialized prosecutors working on cases of violence towards women and domestic violence and their workload. According to the information provided by the PSG, 161 prosecutors are specialized in domestic violence. As to the workload of prosecutors, PSG explained that there is no well-structured mechanism for monitoring the workload of prosecutors based on all necessary criteria. The provided information indicates that one prosecutor has approximately 24 domestic violence cases a month. At the same time, based on the trial monitoring of VAW and domestic violence cases carried out by IDFI's partner organization association "DEA" in Saegrelo-Zemo Svaneti region,<sup>95</sup> a problem of overburdening prosecutors working on such cases was detected. From the report provided by the association "DEA" to IDFI, a single pros-

<sup>93</sup> A report on effectiveness of audit – mechanisms of protection and prevention of domestic violence (2019), State Audit Service, p. 9

<sup>94</sup> A report on condition of human rights and freedoms in Georgia (2018), Public Defender of Georgia, pp. 133-134

<sup>95</sup> Trial monitoring under the „PRIME” project has been carried out since July 2018. Representatives of IDFI and its partner organizations observe court hearings of VAW, domestic violence and hate crimes. Based on the monitoring, relevant policy document and recommendations will be provided to the PSG



ecutor has to simultaneously work on a few cases with court trials on the same day. There have been number of occasions when such prosecutor was late on other court hearing due to this problem. The trial monitors concluded that such overburdening of the prosecutors significantly affects the quality of handling a criminal case. **Therefore, based on the second indicator, this component of the third goal/objective has not been implemented.**

The third indicator of the first direction of the third objective examines measures implemented for raising awareness about violence committed towards women and domestic violence and the number of individuals impacted by such measures. According to the information provided by the PSG, 241 informational meetings on violence towards women and domestic violence were conducted in 2018 throughout Georgia (in all regions). Each meeting was attended on average by 50 participants (school students, teachers, university students, public officials, local population). The following topics were discussed:

- Definition of domestic violence;
- Forms of violence;
- Rights of a victim/status assignment;
- Obligation to report on cases of domestic violence/violence towards women;
- Protection mechanisms and services;
- Review of harassment.

Informational meetings are a traditional method of raising awareness on specific issues. However, it is recommended to use other, more innovative methods, when possible, allowing for larger scale and better results. However, as of now, **based on the third indicator, this measure of the third objective should be considered implemented.**

**As of 2018, out of three indicators of the first direction of the third goal/objective of the PSG Action Plan, two show that this goal attainment mechanism has been implemented and one shows that it has not been implemented. Therefore, the first direction of the third objective has been mostly implemented and its implementation progress is 65%.**

## IMPROVEMENT OF THE MECHANISMS FOR DETECTING FACTS OF TORTURE AND MISTREATMENT

*(weight of the goal (objective) attainment mechanism - 40)*

### OUTCOME INDICATORS

1. Rate of criminal prosecution initiation on cases of torture and mistreatment (50)
2. Number of specialized /trained prosecutors working on torture and mistreatment and their workload (50)

**STATUS: PARTLY IMPLEMENTED**

**PROGRESS: 15%**



The second direction (combat against torture and mistreatment) of the third objective has two indicators. The first one is the number of initiated criminal prosecutions on cases of torture and mistreatment. According to the information provided by the PSG, in 2016 criminal proceedings were initiated in 10 cases. Five of these involved mistreatment by the employees of the Department of Penitentiary and five – from employees of police. In 2017 criminal proceeding were initiated against 17 individuals – three police employees and 14 officials of the Department of Penitentiary. In 2018 criminal proceedings were initiated against 15 individuals, including 12 policemen and three officials of the Department of Penitentiary. According to the report of the Public Defender,<sup>96</sup> when studying the cases of torture and inhuman treatment, facts of incorrect qualification of the case, problems connected to the victim involvement and comprehensive, objective investigation were detected. Based on the same report, in the investigations started by the PSG on torture and inhuman treatment, number of revealed and prosecuted criminals is low as well as precise legal qualification. In 2018, the PSG started investigation on 367 facts of mistreatment or torture and 90% of them were qualified as abuse of authority. According to the same report (further confirmed by the statistics of Ministry of Internal Affairs and PSG), from the mentioned 367 cases, only 15 individuals were prosecuted. Figures provided by the PSG and Ministry of Internal Affairs is a little different: 388 registered facts and 16 prosecutions (4%). The situation was similar in 2017, when out of 272 registered facts, prosecution was carried out only in eight occasion (3%). Such a low level of prosecution is clearly unacceptable. The fact that in about 96% of registered fact, no prosecution is initiated does not indicate effective fight against such crimes and shows that the issue needs to be further studied and analyzed. Challenges revealed by the Public Defender's report also need to be taken into consideration. **Therefore, based on the first indicator, this component of the third goal/objective has not been implemented.** It is essential that the PSG analyze this issue in cooperation with the Ministry of Internal Affairs, reveal existing challenges, their causes and define ways of overcoming them.

The second indicator of the second direction of the third objective is the number of prosecutors working on torture and inhumane treatment and their workload. According to the information provided by the PSG, prosecutors from various structural units work on this crime and defining a specific number is not possible. The Department of Prosecutorial Supervision and Strategic Development oversees workload of individual prosecutors. It is to be welcomed that prosecutors' workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory components and methodology of the prosecutor's workload assessment, etc., which would enable for prosecutor's workload to be assessed based on all the necessary data. **Accordingly, based on the second indicator, this component of the second objective is partly implemented.**

**As of 2018, from the two indicators of the second direction of the third goal/objective of the PSG Action Plan, one shows partial implementation of this component and another one – no implementation. Therefore, the second direction of the third goal is partly implemented and its implementation progress is 15%.**

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<sup>96</sup> A report on condition of human rights and freedoms in Georgia (2018), Public Defender of Georgia, pp. 82-83



## INCREASE OF EFFECTIVENESS OF DETECTION AND CRIMINAL PROSECUTION OF HATE-MOTIVATED AND DISCRIMINATORY CRIMES

*(weight of the goal (objective) attainment mechanism - 30)*

### OUTCOME INDICATORS

1. Rate of criminal prosecution initiation of cases of hate-motivated and discriminatory crimes (50)
2. Number of specialized/trained prosecutors working on hate-motivated and discriminatory crimes (50)

STATUS: PARTLY IMPLEMENTED

PROGRESS: 45%

The third direction (increasing effectiveness of combat against discriminatory and hate-motivated crimes) of the third objective has two indicators. The first one concerns the rate of initiated criminal proceedings on discriminatory and hate motivated crimes. According to the information provided by the PSG, in 2016-2017 criminal prosecution was initiated against 44 - 44 persons each year, while in 2018 the number was 151. As the statistics show, the number of prosecuted people tripled in 2018. Meanwhile, the 2018 report of the Public Defender points out that most of the victims (sexual minorities) complain about harassment and homophobic treatment from law-enforcement officials. In 2018 the Public Defender studied 13 such cases.<sup>97</sup> In the same year the PSG initiated investigation on for occasions. According to the information provided by the PSG, although 14 investigations were carried out no one was charged in 2016-2017 for harassment, inadequate response, and homophobic treatment from law-enforcement officials. One case was terminated based on Article 105 (1(a)) of the Criminal Code, other investigations are still continuing.

Even though the rate of prosecutions tripled in 2018 compared to 2016, the number is still low on prosecuting public officials for hate motivated crimes. It is not welcoming that there are no outcomes for investigations that started in 2016 – no victims or convicts are identified. This proves that there are challenges in this direction. The PSG needs to carry out relevant measures to increase the number of detection as well as prosecution for hate crimes allegedly committed by public officials. **Therefore the first indicator demonstrates that this component of the third goal/objective has been partly implemented.**

The second indicator of the third direction of the third objective is the number of specialized prosecutors working on discriminatory and hate-motivated crimes and their workload. According to the information provided by the PSG, the selection process of prosecutors to be specialized on hate-motivated crimes started in 2017. By 2018, 28 prosecutors were specialized. Additionally, within the PRIME project 60 prosecutors and investigators (including from regions) were retrained on hate-motivated crimes. It is essential that work in this direction continues. Due to the low volume of such cases, the number of prosecutors can be considered acceptable. However, since the workload of prosecutors is not being

<sup>97</sup> Public Defender of Georgia, Report on human rights protection in Georgia (21018), p. 139: <http://bit.ly/2qnTgCR>



adequately monitored within the PSG (as it was mentioned a few times above), this component cannot be considered as complete. **Therefore, the second indicator shows that this component of the second goal/objective has been partly implemented.**

As of 2018, out of the two indicators of the third direction of the third goal/objective of the PSG Action Plan, both indicate partial implementation of this component. Therefore, the third direction of the third objective has been partly implemented and its implementation progress is 45%.

### 3.4 OBJECTIVE 4. CREATING AN EFFECTIVE JUVENILE JUSTICE SYSTEM

The fourth goal and objective of the PSG Action Plan envision establishing an effective juvenile justice system. Four indicators were defined for assessment of achievement of this goal/objective within the monitoring process. The indicators assess the implementation progress of effective juvenile justice system qualitatively and quantitatively.

As of 2018, out of the four indicators of the fourth goal/objective of the PSG Action Plan, three indicate to full and one – partial implementation of the objective. Therefore, the fourth objective has been mostly implemented and its implementation progress is 88%.

#### OUTCOME INDICATORS

- 1. Percentage of application of alternative measures (diversion, mediation, etc.) instead of criminal prosecution in cases of crimes committed by juveniles (25)
- 2. Number of cases returned by court for diversion (20)
- 3. Number of prosecutors specialized in juvenile justice and their workload (20)
- 4. Indicator of cooperation with other agencies on cases of juvenile justice (10)
- 5. Percentage of juveniles that re-offended in the duration of an alternative measure (diversion, mediation, etc.) (25)

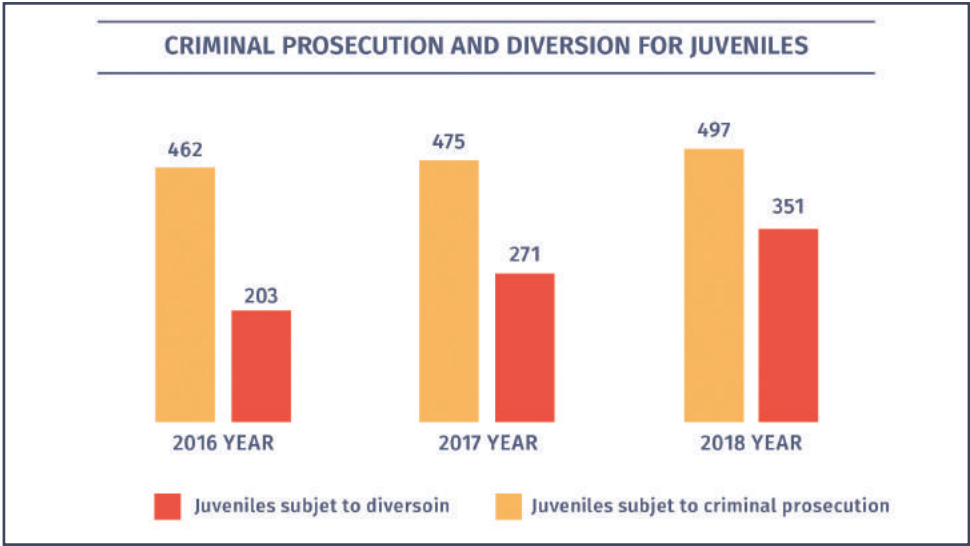
*STATUS: MOSTLY IMPLEMENTED*

*PROGRESS: 88%*

The first indicator of the fourth objective examines the percentage of alternative measures to criminal prosecution (diversion, mediation, etc.) applied on crimes committed by juveniles. According to the information provided by the PSG, in 2016-2018 the number of juveniles towards whom an alternative

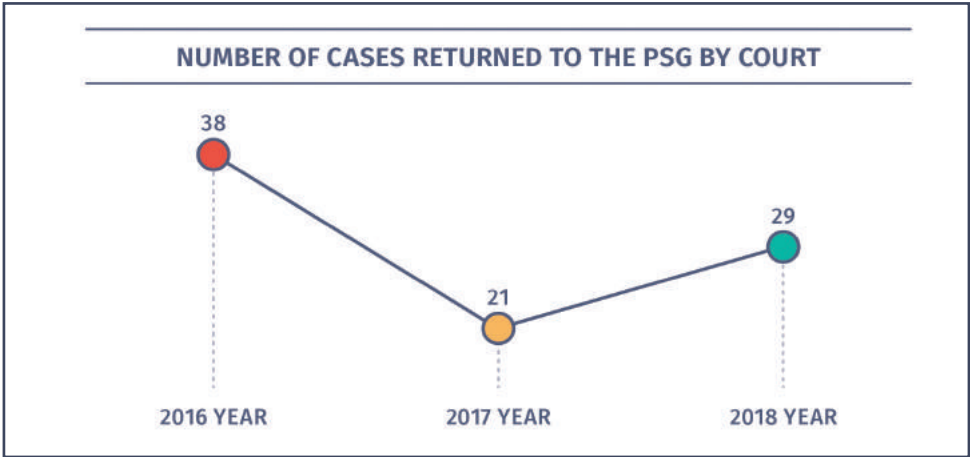


measure was applied is consistently higher compared to the number of juveniles against whom criminal prosecution was initiated.



Even though the number of juveniles to whom criminal prosecutions was applied was increased in 2018, the consistent supplication of the alternative measures in cases of crimes committed by juveniles is a welcome development and it is essential that this practice is maintained. **At this stage, the objective should be considered as implemented in this component.**

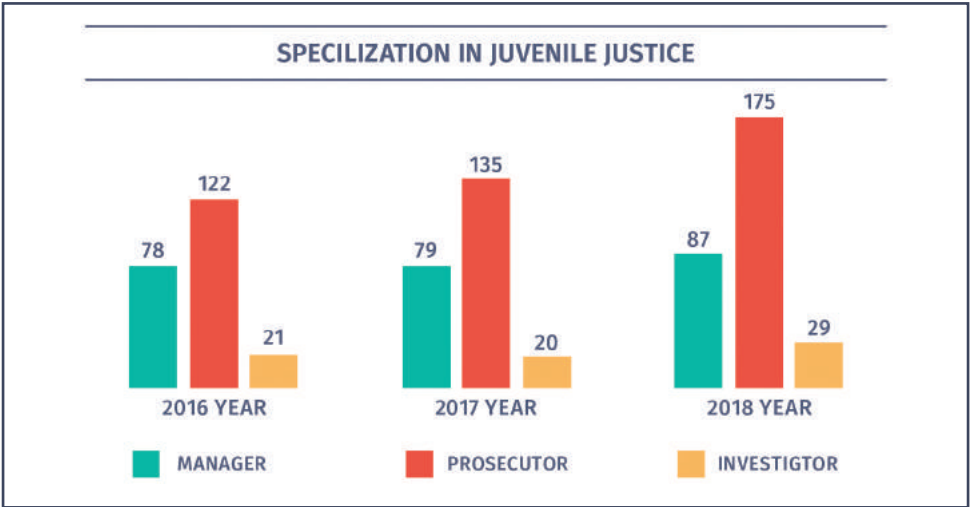
The second indicator of the fourth objective concerns the number of cases returned to the PSG by court for diversion. According to the information provided by the PSG, the number of juvenile cases where a judge refused to apply criminal proceedings and returned the case to the PSG for diversion has declined in 2018 compared to 2016.





As the PSG data demonstrates, in 2017 the number of cases returned to the PSG by court was smaller by eight cases compared to 2018, however compared to 2016, this indicator decreased by 24%, which is a welcome development. **Therefore, this component of the fourth objective can be considered implemented.**

The third indicator of the fourth objective is the number of specialized prosecutors working on juvenile justice and their workload. According to the information provided by the PSG, in 2016 78 managers, 122 prosecutors and 21 investigators were specialized in juvenile justice, and the number has been growing steadily in the following years.



As the information provided by the PSG demonstrates, the number of prosecutors specialized in juvenile justice grew by 30% in 2018 compared to 2016, the number of specialized investigators and managers has also increased. This is a positive trend. Meanwhile, it's important that the number of specialized prosecutors, investigators, and managers continues to grow in accordance with the needs and that the specialized employees are re-trained consistently. As for the workload of the prosecutors working on juvenile justice, according to the information provided by the Prosecutor's Office, there is no program within the PSG that would automatically assess the Prosecutor's workload based on all necessary data. It is to be welcomed, however, that prosecutors' workload is still assessed to the extent possible in the absence of a well-functioning system. However, based on this indicator, in order to fully accomplish the objective, it is necessary to have a regulated system (e.g. order of Prosecutor General, guidance document) detailing the mandatory components and methodology of the prosecutor's workload assessment, etc., which would enable for prosecutor's workload to be assessed based on all the necessary data. **Accordingly, based on the third indicator, this component of the fourth objective has been partially implemented.**

The fourth indicator of the fourth objective is the percentage of juveniles who reoffended during the alternative measures (diversion, mediation, etc.). According to the information provided by the PSG,



from 462 juveniles that were part of diversion or diversion-mediation, five (1%) reoffended in the duration the alternative measure in 2016; in 2017 from 475 diverted juveniles – 13 reoffended (8%); while in 2018 from 497 juveniles – 8 (2%) committed a crime in the duration of the alternative measure. As this data shows, the number of juveniles who reoffend in the duration of alternative measures is consistently low, demonstrating effectiveness of this mechanism and its proper utilization by the PSG. **Therefore, according to the fourth indicator, the fourth objective can be considered as implemented.**

### 3.5 OBJECTIVE 5. INTERNATIONAL COOPERATION ON CRIMINAL CASES

The fifth goal and objective of the PSG Action Plan concern international cooperation on criminal cases. Two indicators have been defined for the assessment of achievement of this goal/objective within the monitoring process.

**As of 2018, from the two indicators of the fifth goal/objective of the PSG Action Plan, one shows full and another shows partial implementation of the objective. Therefore, the fifth objective has been mostly and its implementation progress is 75%.**

#### OUTCOME INDICATORS

- 1. Number of requests received from other countries and satisfied by the PSG (50)
- 2. Number of requests sent by the SPG and satisfied by other countries (50)

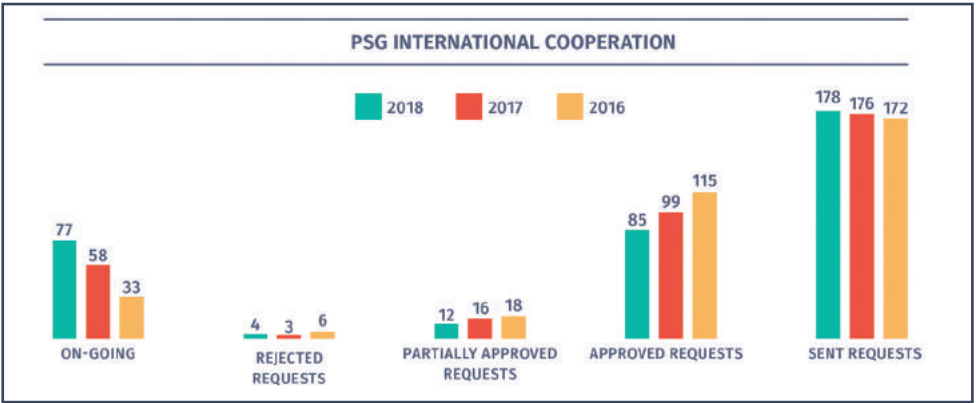
*STATUS: MOSTLY IMPLEMENTED*

*PROGRESS: 75%*

The first indicator of the fifth objective is the number of requests received from other countries and satisfied by the PSG. According to the information provided by the PSG, level of international cooperation has remained stable throughout the years. The number of legal assistance requests sent to other countries has increased slightly, however the approval rate has not increased. As to the approved legal assistance requests, in 2017 the number has significantly decreased compared to 2016 – 14%.

As the chart above demonstrates, compared to 2016, in 2017-2018, the number of sent requests by the Office of Prosecutor General (POG) to other countries is almost the same, and the rejected requests for legal decreased slightly. However, the number of approved requests for legal assistance decreased by 14% in 2017 compared to 2016. In 2018 (compared to 2016), approved requests decreased by 26%, which is partially due to the fact that on some of the, the response has not been received yet. Based on the data, no significant progress can be accounted for from 2016 to 2018 in international coopera-





tion, however, the number of rejected requests is not high. **Based on this indicator, the objective can be considered as partly implemented.**

The second indicator of the fifth objective examines the number of requests received and approved by the POG on legal assistance on criminal cases within the framework of international cooperation. According to the information provided by the POG, in 2016 the POG received 1258 requests for legal assistance from foreign countries, out of which 88.4% was approved. In 2018 the number of requests was 1457 and 86% was approved on about 2% of the requests the work continues. Number of rejected requests remained similar in 2016-2018 – 12%. As per the information provided by the POG, most common reasons for rejecting requests from foreign countries are: absence in the country of the requested person (about 85%), violation of non bis in idem principle by the requesting country (10%) and lack of facts for reasonable doubt (5%). These data indicate productive international criminal cooperation from Georgia's side. **Therefore, based on the second indicator, the fifth objective can be considered as implemented.**

### 3.6 OBJECTIVE 6. ENHANCEMENT OF QUALITY OF PROSECUTORIAL ACTIVITIES AND DEVELOPMENT OF HOMOGENOUS CRIMINAL JUSTICE POLICY

The sixth goal and objective of the PSG Action Plan envision enhancement of the quality of prosecutorial work and establishment of a homogenous criminal justice policy. Five indicators with equal weights were defined for the assessment of achievement of this goal/objective within the monitoring process. The indicators assess implementation of the objective qualitatively and quantitatively.

**As of 2018, out of the five indicators of the sixth goal/objective of the PSG Action Plan four show that the objective has been fully implemented, while one indicates no implementation. Therefore, the sixth objective has been mostly implemented and its implementation progress is 80%.**



## OUTCOME INDICATORS

1. Share of prosecutors, investigators and interns that have been retrained in legal writing (20)
2. Percentage of managers and their deputies, whose job descriptions are explicitly developed in accordance with the document on the separation of functions (20)
3. Case distribution system satisfies transparency and impartiality criteria and is in compliance of the recommendations of the fourth round of GRECO (component on dismissing a prosecutor from a case and appointing another) (20)
4. Compliance of prosecutor performance monitoring with the recommendations of the fourth round of OECD-ACN (20)
5. Percentage of prosecutors and investigators that have been retrained in investigative methodologies (20)

*STATUS: MOSTLY IMPLEMENTED*

*PROGRESS: 80%*

The first indicator of the sixth objective is the share of prosecutors, investigators, and interns that have been retrained in legal writing. According to the information provided by the PSG, in 2016-2018, 20 trainings on legal writing were organized, more than 300 prosecutors and investigators were retrained. In the same period, 150 interns were trained in legal writing in four training sessions. Organization of such educational activities for prosecutors and interns is a welcome step. The number of retrained prosecutors and interns in these three years is acceptable. **Therefore, based on the first indicator, the sixth objective has been implemented.**

The second indicator of the sixth objective is the number of PSG managers and their deputies whose job descriptions are officially defined in accordance with the official document on separation of functions. According to the information provided by the PSG, the total number of PSG managers and their deputies was 130 in 2018. However, no information was provided on the number of managers and their deputies whose job descriptions are officially defined in accordance with the official document on separation of functions. **Therefore, based on the second indicator, the sixth objective cannot be considered as implemented.**

According to the third indicator of the sixth objective, the case allocation system of PSG should satisfy criteria of objectiveness and transparency and should comply with the recommendation of the fourth round of GRECO (the component on withdrawing a case from a prosecutor and its assignment to another prosecutor). According to the information provided by the PSG, in 2018, a working group established within the PSG, developed a proposal on refinement of the case allocation system. The document has been approved by the Prosecutor General's Order. The document determines criteria (such as specialization, workload, etc.) that need to be taken into consideration in case distribution.



Furthermore, obligation of written justification of case withdrawal has been set. It needs to be noted that based on the GRECO fourth round compliance report, this component was considered as implemented. **Therefore, according to the third indicator, the sixth objective has been implemented.**

The fourth indicator of the sixth objective is the compliance of the prosecutor performance monitoring system with the recommendations of the fourth round of OECD-ACN. According to this recommendation, the number of completed cases or the number of not-guilty court rulings should not be used as evaluation criteria of prosecutors.<sup>98</sup> The prosecutor evaluation system, implemented at the PSG, does not consider the number of completed cases or the number of not-guilty rulings as evaluation criteria. According to the information provided by the PSG, the prosecutors are evaluated based on the following general directions: workload indicators, quality of justification of procedural documents, quality of support of state guilty charge in court, supervisor's assessment, compliance with disciplinary and ethics norms, training results and other activities.

The purpose of examining procedural document within the evaluation system is to assess justifications provided in the procedural document and its compliance with the law, for general assessment of the situation, as well as, for evaluation of a specific prosecutor. The quality of procedural documents is evaluated based on the evaluation criteria confirmed by the Chief Prosecutor, which was provided in advance to all employees from all structural units of the PSG. Compliance of the procedural documents with legislation and linguistic standards is evaluated – to what extent do the procedural documents comply with the criteria established by the evaluation system document.

The evaluation system includes criteria for assessment of the quality of support of state charge in court by a prosecutor at each stage of court proceedings. Court skills and qualifications, as well as challenges and areas for further future development for individual prosecutors are identified in the evaluation process. A special form has been developed for such evaluations, allowing for implementation of a standardized methodology and predefined criteria in evaluation of individual prosecutors.

Recommendations on addressing the identified shortcomings in the monitoring process are forwarded to the appropriate structural units of the PSG.

As the provided information demonstrates, the prosecutor evaluation criteria are clearly defined and the assessments are conducted using a unified, transparent system. The recommendation of OECD-ACN has been implemented in practice which is demonstrated by the progress report organization. **Therefore, based on the fourth indicator, the sixth objective can be considered as implemented.**

The fifth indicator of the sixth objective is the percentage of prosecutors and investigators that have been retrained in investigative methodologies. According to the information provided by the PSG, in 2016-2018, 170 prosecutors and investigators were retrained in investigative methodologies in 23 educational sessions. This number prosecutors and investigators trained in three years is acceptable. It is important, that the retraining of prosecutors and investigators continues in this direction in the coming years. **Based on the fifth indicator, the sixth objective can be considered as implemented.**

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<sup>98</sup> Progress Update Report – Georgia, March, 2019, Recommendation 13.3: <http://bit.ly/2oUNPLr>



## 3.7 OBJECTIVE 7. INCREASING PUBLIC TRUST

The seventh goal and objective of the PSG Action Plan envision increasing public trust. Three indicators have been defined within the monitoring process for the evaluation of achievement of this goal/objective, assessing the implementation qualitatively and quantitatively.

As of 2018, out of the three indicators of the seventh objective of the PSG Action Plan, two show full and one – no implementation of the objective. Therefore, the seventh objective has been mostly implemented and its implementation progress is 60%.

### OUTCOME INDICATORS

1. Percentage of population that trusts the Prosecutor's Office (40)
2. Prosecutor's Office employee turnover rate (30)
3. Growth/reduction of Prosecutor's Office expenditure on civil and administrative legal disputes (30)

STATUS: MOSTLY IMPLEMENTED

PROGRESS: 60%

The first indicator of the seventh objective is the percentage of population that trusts the PSG. According to the information provided by the PSG, it does not possess such data. It's essential that the PSG conduct such research, as the objective of increasing public trust in this institution, as defined by the Action Plan, cannot be otherwise measured. IDFI, within the PRIME project and in cooperation with CRRG, conducted several surveys. The study showed that more than a quarter of the population (27%) believed that the PSG abuses its power frequently and only 8% believed that the PSG never abuses its power. More than a half of the population (52%) trusts the PSG and at the same time, 41% of the population believes the PSG does not conduct criminal prosecution of current high officials objectively.<sup>99</sup> While the CRRG study on public trust towards the PSG cannot serve measuring increase in public trust as the initial and final studies need to be conducted on unified methodology, it still shows that large part of the population is skeptical towards the PSG. **Therefore, based on this indicator, the seventh objective cannot be considered as implemented.**

The second indicator of the seventh objective is the index of employee turnover at the PSG. According to the information provided by the PSG, the turnover indicator in 2016 was 8.3%, while in 2018 the number was 9.8%. As the figures demonstrate, the number of employees leaving the PSG is consistently low. **Therefore, based on the second indicator, the seventh objective can be considered as implemented.**

<sup>99</sup> Georgians are split over attitudes towards the Prosecutor's Office, IDFI (2019): <http://bit.ly/2oXhKm3>



The third indicator of the seventh objective is the index of change in financial resources (increase or decrease) spent on administrative and civil lawsuits against the PSG. According to the information provided by the PSG, 570,876.87GEL was spent in 2016 for this reason while in 2018 the number was 406,020.00 GEL. The amount spent by the PSG on administrative lawsuits was decreased by 30% in 2018 and in total, it only constitutes 1% of the total PSG annual budget. **Based on the third indicator, the seventh objective can be considered as implemented.**

### 3.8 OBJECTIVE 8. CRIME PREVENTION

The eighth goal and objective of the PSG Actin Plan concern crime prevention. Two indicators have been defined within the monitoring process to assess achievement of this objective.

**As of 2018, out of the two equally weighted indicators of the eighth goal/objective of the PSG Action Plan, one shows full and another – no implementation of the objective. Therefore the eighth objective has been partly implemented and its implementation progress is 50%.**

#### OUTCOME INDICATORS

- 1. Completion rate of individual action plans by all regional prosecutor’s offices (50)
- 2. Number of implemented preventive measures (50)

*STATUS: PARTLY IMPLEMENTED*

*PROGRESS: 50%*

The first indicator of the eighth objective is the index of completion of individual action plans, related to crime prevention, by all regional prosecutors’ offices. According to the information provided by the PSG, in January 2018 all regional offices of the PSG developed individual action plans agreed with the working group. Each action plan included preventive measures aimed at increasing effectiveness of combat against individual crimes, as defined in the PSG Action Plan. The information presented shows that the number of preventive measures carried out is more than 10 and are in line with the action plans. Concerning the results of the implementation of the aforementioned action plans, the Prosecutor’s Office indicates that the individual action plans of the regional Prosecutor’s Offices are not approved by a normative and/or individual act and therefore it does not have the obligation to provide IDFI with internally used documents. Nevertheless, the Prosecutor’s Office provided IDFI with a sample of one of the regional action plans.

IDFI believes that sufficient information is needed to be publicized on the implementation objectives



and measures envisaged by the agency's action plan. It is unjustified that information on action plans and/or their implementation by regional prosecutor's offices is closed. Accordingly, IDFI welcomes the submission of a sample of the regional action plan by the POG (although the document is substantially flawed – it only includes three planned events). All of the three measures determined in the presented document have been implemented, however, the indicator is the implementation of all district action plans, which cannot be measured by the pattern of one action plan. **Consequently, at this stage, according to the first indicator, the eighth objective cannot be considered as implemented.**

The second indicator of the eighth objective is the number of preventive measures implemented by the PSG. According to the information provided by the PSG, regional prosecutor's offices participating in the project "Public Prosecutor's Office" (all regional prosecutor's offices, 28, participate in the project) implemented preventive measures as defined in the Action Plan. In 2016-2018, the statistics for implemented preventive measures is as follows:

➤ 2016 - 178 activities;

➤ 2017 - 556 activities;

➤ 2018 - 706 activities.



Activities organized in 2018 are displayed according to district and regions in the table below:

N	Prosecutor’s Office	Number of activities	Region	Number of activities per region
1	Batumi	24	Adjara	66
2	Khelvachauri	31		
3	Ozurgeti	11		
4	Zugdidi	60	Samegrelo, Zemo Svaneti	181
5	Senaki	96		
6	Poti	17		
7	Mestia	8		
8	Kutaisi	29	Western Georgia (Imereti, Racha-Lechkhumi)	163
9	Zestaponi	41		
10	Samtredia	61		
11	Sachkhere	16		
12	Ambrolauri	16		
13	Mstkhet	16	Shida Kartli and Mtskheta-Mtianeti	35
14	Gori	14		
15	Khashuri	5		
16	Telavi	24	Kakheti	45
17	Gurjaani	14		
18	Sighnaghi	7		
19	Rustavi	29	Kvemo Kartli	56
20	Bolnisi	14		
21	Marneuli	13		
22	Akhaltzikhe	27	Samtskhe-Javakheti	49
23	Akhalkalaki-Ninotsminda	22		
24	Vake-Saburtalo	41	Tbilisi	111
25	Old Tbilisi	13		
26	Didube-Chugureti	32		
27	Gldani-Nadzaladevi	16		
28	Isani-Samgori	9		
		706		706



Within the project, activities were organized in four main directions: educational-intellectual, cultural, sport and social, which in turn include various types of activities.

The PSG’s active work on preventive measures and activities is a welcome development and it’s essential that the trend continues in the coming years. **As of now, based on the second indicator, the eighth objective can be considered as implemented.** It needs to be mentioned here that crime prevention requires complex approach and involvement of all relevant institutions. Therefore, it is not recommended to include such objective in one agency’s action plan – it should be better suited to the agency’s capacity.

### 3.9 OBJECTIVE 9. IMPROVING WORK ENVIRONMENT

The ninth goal and objective of the PSG Action Plan envision improving the work environment at the PSG. Five indicators were defined within the monitoring process to evaluate the achievement of this objective, assessing it qualitatively and quantitatively.

**From the five, equally-weighted indicators of the ninth goal/objective of the PSG Action Plan, four have been completed, one is incomplete. Therefore, by 2018, the ninth objective is mostly completed and its implementation progress is 80%.**

#### GOAL (OBJECTIVE) 9. IMPROVING THE WORK ENVIRONMENT

##### OUTCOME INDICATORS

- 1. Prosecutor’s Office employee turnover indicator (20)
- 2. Number of labour legal disputes lodged by current/former employees of the Prosecutor’s Office (against the Office) (20)
- 3. Indicator of employee incentives (20)
- 4. Number of code of ethics violation by the employees of the Prosecutor’s Office (20)
- 5. Number of applications/complaints filed within the whistle-blower system and an indicator of response (20)

STATUS: MOSTLY IMPLEMENTED

PROGRESS: 80%

The first indicator of the ninth objective is the index of employee turnover at the PSG. According to the information provided by the PSG, the turnover indicator in 2016 was 8.3%, while in 2018 the number was 9.8%. As the data demonstrates, the number of employees leaving the PSG is consistently low.



**Therefore, based on the first indicator, the ninth objective can be considered as implemented.**

The second indicator of the ninth objective is the number of labor disputes of the PSG employees/former employees (against the PSG). In 2016, one complaint was filed against the PSG in court, the case is ongoing. One complaint was filed in 2018, as well. The numbers are consistently low in the recent years, it's essential that this trend continues in the coming years. **Based on the second indicator, the ninth objective can be considered as implemented.**

The third indicator of the ninth objective is an index of employee incentivization. According to the information provided by the PSG, incentives were applied for 152 employees in 2016. The forms of incentives included: awarding a special state rank earlier than scheduled, awarding honorary employee status, appreciation, purging of previously given disciplinary sanction. In 2018, incentives were applied towards 217 employees using the same forms (and financial rewards). The information demonstrates that the organization is concerned about employees' satisfaction and **therefore, based on the third indicator, the ninth objective can be considered as implemented.**

The fourth indicator of the ninth objective is the number of deviations from ethics norms by the PSG employees. According to the information provided by the PSG, this data is published annually on the website of the PSG.<sup>100</sup> In 2016, the General Inspectors Office of the POG conducted 64 inspections of 126 employees of the PSG. As a result of the inspections, disciplinary sanctions were given to 28 employees, recommendations were given to 62, while 12 employees, based on their personal request, have been dismissed from the PSG.

In 2018, the POG conducted 66 inspections of 112 employees. Seven employees were given disciplinary penalties based on their misconduct, four employees have resigned based on their personal requests; recommendations to address shortcomings revealed during the inspection were given to 23 employees.

The presented information demonstrates that the code of ethics has been successfully implemented, as the number of disciplinary measures used has declined compared to 2016. **Based on the fourth indicator, the ninth objective can be considered as implemented.**

The fifth indicator of the ninth objective is the number of complaints received within the whistleblower system and the response rate. According to the information provided by the PSG, in 2016 and 2018 there were no cases of whistleblower complaints/reports. In 2017 the PSG received seven such reports. Five of them were sent to the appropriate department of the Chief Prosecutor's Office, while in two cases no specific crimes could be identified. Such a low rate of whistleblower notification requires attention. The PSG must study this issue and take appropriate actions, such as raising awareness about whistleblowing and their protection mechanisms within its system. Unfortunately, there are no results of the filed five complaints, sent from one department of the PSG to another. **Therefore, based on the fifth indicator, the ninth objective cannot be considered as implemented.**

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<sup>100</sup> <http://bit.ly/33lt4Bj>; <http://bit.ly/2VX4zhc>; <http://bit.ly/2MwaZRj>



### 3.10 OBJECTIVE 10. IMPROVING PROFESSIONALISM AND QUALIFICATIONS OF THE PSG EMPLOYEES

The tenth goal and objective of the PSG Action Plan envision improvement of professionalism and qualifications of employees. Three indicators have been defined within the monitoring process for assessing the achievement of this goal/objective qualitatively and quantitatively.

As of 2018, out of the three indicators defined for the tenth goal/objective of the PSG Action Plan, all show that the objective has been implemented. Therefore the tenth objective has been fully implemented and its progress is 100%.

#### OUTCOME INDICATORS

1. Number of Prosecutor's Office employees (management and non-management) that have undergone relevant professional training (30)
2. Number of employees involved in the performance evaluation (35)
3. Rate of annual criminal prosecutions (35)

*STATUS: FULLY IMPLEMENTED*

*PROGRESS: 100%*

The first indicator of the tenth objective is the number of employees (managers and non-managers) that took professional retraining most relevant to them. According to the information provided by the PSG, 195 educational activities were organized in 2018 with more than 2630 participants. Around the same number of employees were trained in 2016 and 2017. Information about the trained employees is presented under the activities of the second, third, tenth and other objectives. The employee training system works effectively at the PSG as confirmed by the activities foreseen by the Action Plan and their completion. **Based on the first indicator, the tenth objective can be considered as implemented.**

The second indicator of the tenth objective is the number of individuals enrolled in the performance evaluation system. According to the information provided by the POG, prosecutor performance evaluation system was officially implemented at the POG by the end of 2017 and in 2018 all prosecutors have been evaluated. **Therefore, based on the second indicator, the tenth objective can be considered as implemented.**

The third indicator of the tenth objective is the number of criminal cases managed by the PSG annually. According to the information provided by the PSG, in 2016-2018, the number of criminal prosecutions was 19266, 19251 and 21327 respectively.



### CRIMINAL PROSECUTIONS BY YEAR



58412 crimes were registered in 2018, compared to that, the number of criminal prosecutions in 2018 is satisfactory (35.6%). It must also be noted, that compared to 2016, the number of criminal prosecutions has significantly increased. It's important that the number continues growing. **Based on the third indicator, the tenth objective must be considered as implemented.**







